COMMONWEALTH OF AUSTRALIA

Official Committee Hansard

SENATE

FINANCE AND PUBLIC ADMINISTRATION LEGISLATION COMMITTEE

Estimates

Public

FRIDAY, 8 NOVEMBER 2024

CANBERRA

BY AUTHORITY OF THE SENATE

FINANCE AND PUBLIC ADMINISTRATION LEGISLATION COMMITTEE

Friday, 8 November 2024

Members in attendance: Senators Colbeck, Cox, Ghosh, Liddle, McGrath, Nampijinpa Price, Barbara Pocock, Pratt, Reynolds, Roberts, Sheldon, Stewart and Thorpe

CROSS-PORTFOLIO INDIGENOUS MATTERS

In Attendance

Senator McCarthy, Minister for Indigenous Australians

National Indigenous Australians Agency

Executive

Ms Jody Broun, Chief Executive Officer

Ms Julie-Ann Guivarra, Deputy Chief Executive Officer, Policy and Programs

Mr Kevin Brahim, Deputy Chief Executive Officer, Operations and Delivery

Ms Rachael Jackson, Chief Operating Officer

Mr Ameet Jamble, Branch Manager, Office of the Chief Executive Officer

Corporate Group

Mr John Love, Group Manager, Corporate Group

Grants and Finance Group

Mr Nicholas Creagh, Group Manager, Grants and Finance Group

Integrity Group

Mr Sean Worth, Group Manager, Integrity Group

Mr Brendan Jacomb, Branch Manager, Legal Services

Country, Culture and Connection Group

Ms Deborah Fulton, Group Manager, Country, Culture and Connection Group

Ms Rachel Kerrigan, Branch Manager, Land and Native Title Branch

Ms Kate Phipps, Branch Manager, Territories Stolen Generations Redress Branch

Ms Lara Wood Gladwin, Acting Branch Manager, Environment Branch

Jobs and Economic Development Group

Ms Jess Guthrie, Acting Group Manager, Jobs and Economic Development Group

Mr Shane Dexter, Branch Manager, Business and Economic Policy Branch

Ms Elizabeth Crombie, Acting Branch Manager, Remote Employment Implementation Branch

Mr Ben O'Sullivan, Senior Adviser, Community Development Program

Social Policy Group

Ms Ali Jenkins, Group Manager, Social Policy Group

Ms Priya Powell, Branch Manager, Families and Safety Branch

Dr Andy Johnston, Branch Manager, Early Years and Education Branch

Ms Simone Persson, Branch Manager, Housing and Infrastructure Branch

Strategy Group

Dr Simon Gordon, Group Manager, Strategy Group

Ms Erin Selmes, Branch Manager, Closing the Gap Branch

Eastern Group

Mr Leon Donovan, Acting Group Manager, Eastern Group

Mr Richard Aspinall, Regional Manager, Gulf and North Queensland

Central Group

Ms Bridgette Bellenger, Group Manager, Central Group

West and South Group

Ms Cheryl Smith, Group Manager, West and South Group

Central Australia Plan Implementation

Mr Gavin Matthews, Group Manager, Central Australia Plan Implementation Group

Ms Amanda Day, Acting Branch Manager, Central Australia Plan Implementation Taskforce

Attorney-General's Department

Ms Tamsyn Harvey, Deputy Secretary, Justice and Communities Group

Ms Esther Bogaart, First Assistant Secretary, First Nations and Justice Policy Division, Justice and Communities Group

Ms Casie Woods, Assistant Secretary, First Nations Justice Branch, First Nations and Justice Policy Division

Ms Alaina Mitchell, Acting Assistant Secretary, Legal Assistance Branch, First Nations and Justice Policy Division

Department of Education

Ms Meg Brighton, Deputy Secretary, Schools

Dr Nerida Hunter, First Assistant Secretary

Mr Chris Mudford, Assistant Secretary

Department of Health and Aged Care

Mr Blair Exell, Deputy Secretary, Health Strategy, First Nations and Sport Group

Dr Liz Develin, Deputy Secretary, Primary and Community Care Group

Ms Melinda Turner, First Assistant Secretary First Nations Health Division

Mr Ben Mudaliar, Assistant Secretary, First Nations Health Division

Ms Chantal Jackson, Assistant Secretary, First Nations Health Division

Mr Ben Barratt, Acting Assistant Secretary, First Nations Health Division

Ms Bronwyn Field PSM, First Assistant Secretary, Mental Health and Suicide Prevention Division

Mr Matthew Short, Assistant Secretary, Mental Health and Suicide Prevention Division

Ms Kristen Price, Assistant Secretary, Mental Health and Suicide Prevention Division

Dr Sophie Davison, Chief Psychiatrist, Mental Health and Suicide Prevention Division

Mr Matthew Williams, First Assistant Secretary, Health Workforce Division

Ms Eliza Strapp, First Assistant Secretary, Health Workforce Division

Ms Natalie Bekis, Assistant Secretary, Health Workforce Division

Mr Mark Roddam, First Assistant Secretary, Primary Care Division

Ms Sarah Sinclair, Assistant Secretary, Primary Care Division

Ms Karlie Brown, Assistant Secretary, Population Health Division

Ms Trish Clancy, First Assistant Secretary Population Health Division

Ms Lisa Schofield PSM, First Assistant Secretary, Cancer, Hearing and Chronic Conditions Division

Dr Anna Peatt, First Assistant Secretary, National Immunisation Division

Ms Rachelle Davis, Assistant Secretary, National Immunisation Division

Mr Dave McNally, Assistant Secretary, National Immunisation Division

Ms Shonella Tatipata, Assistant Secretary, Market and Workforce Division

Department of Social Services

Ms Letitia Hope, Deputy Secretary, Families and Communities

Mr Matt Flavel, Deputy Secretary, Social Security

Ms Kath Paton, Acting Group Manager, Pensions, Housing and Homelessness

Ms Tarja Saastamoinen, Group Manager, Children and Families

Ms Anna Lutz, Group Manager, Ending Gender Based Violence

Ms Alexis Diamond, Branch Manager, Closing the Gap Taskforce

Ms Jodi Cassar, Branch Manager, Australia's Disability Strategy

Aboriginal Hostels Limited

Mr Dave Chalmers AO, CSC, Chief Executive Officer

Mr Dermot Walsh, Chief Financial Officer

Ms Karyn Ervin, Acting Chief People Officer

Mr Bob Harvey PSM, General Manager, Operations

Anindilyakwa Land Council

Mr Colin Wakefield, Interim Chief Executive Officer
Ms Cherelle Wurrawilya, Chair
Ms Ida Mamarika, Deputy Chair
Ms Serena Bara, Board Member
Mr Bradley Bara, Board Member

Australian Institute of Aboriginal and Torres Strait Islander Studies

Mr Leonard Hill, Chief Executive Officer
Ms Jude Barlow, Deputy Chief Executive Officer and Chief Operating Officer
Ms Ophelia Rubinich, Acting Executive Director, Collection Services Group
Mr John Gibbs, Executive Director, Research and Education Group
Mr Jason Lyons, Acting Executive Director, Partnerships and Engagement Group
Mr Dylan Daniel-Marsh, Executive Director, Ngurra Cultural Precinct Project
Ms Tamarind Meara, Acting Executive Director, Major Events and Public Programs

Central Land Council

Mr Les Turner, Chief Executive Officer
Dr Josie Douglas, General Manager, Professional Services
Ms Kate O'Brien, Principal Legal Officer
Ms Mischa Cartwright, General Manager, Regional and Development Services

Indigenous Business Australia

Mr Eddie Fry, Chair
Mr Leo Bator, Acting Chief Executive Officer
Mr Sean Armistead, Deputy Chief Executive Officer
Mr Hardeep Garcha, Chief Financial Officer
Ms Stella de Cos, Director, Community and Customer Experience

Indigenous Land and Sea Corporation

Mr Joe Morrison, Group Chief Executive Officer
Mr Matthew Salmon, Chief Operating Officer
Ms Tori Kurtze, General Counsel
Mr Trevor Edmond, Project Lead, Yulara
Mr Dave Silcock, Executive Director Corporate [by video link]

Northern Land Council

Mr Matthew Ryan, Chair
Ms Jessie Schaecken, Interim Chief Executive Officer
Mr Chris Neade, Executive Council Member, Borroloola/ Barkly
Mr Conway Wirrapanda-Blanasi, Executive Council Member, Katherine
Mr Raymond Hector, Executive Council Member, Victoria River District
Mr Irfan Bhat, General Manager, Corporate Services / Chief Financial Officer
Mr Dominic Gomez, General Manager, Land and Law / Principal Legal officer
Mr Paul Donohoe, General Manager, Land and Sea Management
Mr David Astalosh, Interim General Manager, Governance, Strategy and Communications

Aboriginal Investment NT

Ms Barbara Shaw, Chair
Mr Brian Wyborn, Acting Chief Executive Officer

Ms Karina Combs, Board Director

Ms Joy Cardona, Board Director

Mr Andrew Werro, Chief Operating Officer

Office of the Registrar of Indigenous Corporations

Ms Tricia Stroud, Registrar of Aboriginal and Torres Strait Islander Corporations

Mr Andrew Huey, Deputy Registrar of Aboriginal and Torres Strait Islander Corporations

Ms Hannah Roe, Manager, Northern Regions

Office of Township Leasing

Ms Pennie Talbot, Executive Director of Township Leasing

Mr Tom Jenkins, Director Strategic Reform

Ms Elenoa Fuller, Director Township Leasing Engagement

Outback Stores Pty Ltd

Mr Michael Borg, Chief Executive Officer [by video link]

Mr Jayveer Rathore, Deputy Chief Executive Officer [by video link]

Tiwi Land Council

Mr Leslie Tungatalum, Chair and Munupi Representative

Mr Brendan Ferguson, Chief Executive Officer

Mr Ainslie Kerinaiua, Mantiyupwi Representative

Ms Mary Dunn, Yimpinari Trustee

Mr Sebastian Tipungwuti, Maluwu Representative

Ms Maria Juan, Chief Financial Officer

Ms Helen Daiyi, Manager, Tiwi Engagement and Strategy

Mr Alan James, Media and Communication Officer

Committee met at 08:45

CHAIR (Senator Pratt): I declare open this hearing of the Senate Finance and Public Administration Legislation Committee into the 2024-25 supplementary budget estimates. I begin by acknowledging the traditional custodians of the land on which we meet today, the Ngunnawal and Ngambri people. I pay my respects as chair to their elders past and present. That respect is extended to Aboriginal and Torres Strait Islander peoples here today.

We've set 14 November as the date by which senators are to submit written questions on notice and 19 December as the date for the return of answers to questions taken on notice. The committee's proceedings will consist of cross-portfolio Indigenous matters as listed on today's program. Under standing order 26 we must take all evidence in public, which includes questions on notice. I remind all witnesses that in giving evidence you're protected by parliamentary privilege. It is unlawful for anyone to threaten or disadvantage a witness on account of evidence given to a committee. Such action can be treated by the Senate as contempt. It is also contempt to give false or misleading evidence.

The Senate has endorsed the following test of relevance for questions at estimate hearings: any questions going to the operations or financial positions of departments and agencies which are seeking funds in estimates are relevant questions for the purposes of estimates hearings. Officers are reminded that the Senate has resolved that there are no areas in connection with the expenditure of public funds where any person has discretion to withhold details or explanations from parliament or its committees unless the parliament has expressly provided otherwise. We've resolved that an officer of a department of the Commonwealth shall not be asked to give opinions on matters of policy and shall be given reasonable opportunity to refer questions asked of an officer to a superior officer or to a minister. This resolution does not preclude questions asking for explanations of policies or factual questions about when and how policies were adopted. Witnesses are reminded of the Senate order specifying the process by which a claim of public interest immunity should be raised, and I incorporate that statement into *Hansard*.

The extract read as follows—

Public interest immunity claims

That the Senate—

(a) notes that ministers and officers have continued to refuse to provide information to Senate committees without properly raising claims of public interest immunity as required by past resolutions of the Senate;

(b) reaffirms the principles of past resolutions of the Senate by this order, to provide ministers and officers with guidance as to the proper process for raising public interest immunity claims and to consolidate those past resolutions of the Senate;

(c) orders that the following operate as an order of continuing effect:

(1) If:

(a) a Senate committee, or a senator in the course of proceedings of a committee, requests information or a document from a Commonwealth department or agency; and

(b) an officer of the department or agency to whom the request is directed believes that it may not be in the public interest to disclose the information or document to the committee, the officer shall state to the committee the ground on which the officer believes that it may not be in the public interest to disclose the information or document to the committee, and specify the harm to the public interest that could result from the disclosure of the information or document.

(2) If, after receiving the officer's statement under paragraph (1), the committee or the senator requests the officer to refer the question of the disclosure of the information or document to a responsible minister, the officer shall refer that question to the minister.

(3) If a minister, on a reference by an officer under paragraph (2), concludes that it would not be in the public interest to disclose the information or document to the committee, the minister shall provide to the committee a statement of the ground for that conclusion, specifying the harm to the public interest that could result from the disclosure of the information or document.

(4) A minister, in a statement under paragraph (3), shall indicate whether the harm to the public interest that could result from the disclosure of the information or document to the committee could result only from the publication of the information or document by the committee, or could result, equally or in part, from the disclosure of the information or document to the committee as in camera evidence.

(5) If, after considering a statement by a minister provided under paragraph (3), the committee concludes that the statement does not sufficiently justify the withholding of the information or document from the committee, the committee shall report the matter to the Senate.

(6) A decision by a committee not to report a matter to the Senate under paragraph (5) does not prevent a senator from raising the matter in the Senate in accordance with other procedures of the Senate.

(7) A statement that information or a document is not published, or is confidential, or consists of advice to, or internal deliberations of, government, in the absence of specification of the harm to the public interest that could result from the disclosure of the information or document, is not a statement that meets the requirements of paragraph (1) or (4).

(8) If a minister concludes that a statement under paragraph (3) should more appropriately be made by the head of an agency, by reason of the independence of that agency from ministerial direction or control, the minister shall inform the committee of that conclusion and the reason for that conclusion, and shall refer the matter to the head of the agency, who shall then be required to provide a statement in accordance with paragraph (3).

(d) requires the Procedure Committee to review the operation of this order and report to the Senate by 20 August 2009.

(13 May 2009 J.1941)

(Extract, Senate Standing Orders)

CHAIR: Finally, as chair, I seek to ensure that proceedings are conducted in an orderly, courteous and respectful way. I'm mindful that as chair I have an obligation to work with the committee and witnesses to ensure that people can participate in a culturally safe way. I note that, in having Indigenous cross-portfolio today, it's really important that we carve out that extra space for diverse witnesses that come from right around the country on behalf of First Nations people.

National Indigenous Australians Agency

Attorney-General's Department

Department of Education

Department of Health and Aged Care

Department of Social Services

[08:49]

CHAIR: It's now my pleasure to welcome Senator the Hon. Malarndirri McCarthy, Minister for Indigenous Australians; Ms Jody Broun, Chief Executive Officer of the NIAA; Ms Tamsyn Harvey, deputy secretary, Attorney-General's Department; Ms Meg Brighton, deputy secretary, Department of Education; Mr Blair Exell, deputy secretary, Department of Health and Aged Care; and Ms Letitia Hope, deputy secretary of Social Services. Minister, do you wish to make an opening statement this morning?

Senator McCarthy: Thank you, Chair. Good morning to you and committee members, and also all those present who will provide evidence to the committee today. I acknowledge that we are on the land of the Ngunnawal and Ngambri peoples and pay my respects to elders past, present and emerging. It is my first Senate estimates as Minister for Indigenous Australians and I'm deeply honoured to represent as Minister for Indigenous Australians. I'm also looking forward to Senate estimates today to hear from all senators and to answer questions to the best of my ability—and all of the agencies present. I remind the committee that my focus as Minister for Indigenous Australians is also to reach out across party lines to work on areas in particular around closing the gap. I will table the rest of my statement, in the interest of time. Thank you very much.

CHAIR: Thank you very much, Minister. Senator Nampijinpa Price, you have the call.

Senator NAMPIJINPA PRICE: Thank you. To begin with, my questions are around the National Justice Reinvestment Unit. Firstly, I'm interested to understand whether the National Justice Reinvestment Unit is up and running. It was previously suggested it was to be up and running by the middle of this year. I'd also like to understand how much of the $12.5 million budgeted for its design and implementation has been spent.

Ms Bogaart: Thank you for the question about the Justice Reinvestment Unit. We had intended to have it up and running by the middle of the year, but we have been working to co-design that unit with the Justice Policy Partnership justice reinvestment working group. The process of working in partnership took slightly longer than anticipated. We are looking now for the unit to be stood up by the end of this year. Recruitment is actively happening. Both the rounds for the executive level and APS staff have closed, as well as for a senior executive lead of the unit. We're assessing applications and hoping to have that unit up and running by the end of this calendar year.

Senator NAMPIJINPA PRICE: How much of the $12.5 million budgeted for its design has been implemented thus far?

Ms Bogaart: I might have to take the exact dollar amount on notice for that, noting that the funding for the last financial year has been used within the department for the establishment of the unit but also of the Justice Reinvestment Program. That funding will transition to the unit once it's stood up.

Senator NAMPIJINPA PRICE: Okay. In May, you advised that $38,222,679 had been spent on both programs. Can you please update us on that figure, or is that to be taken on notice as well?

Ms Bogaart: On the programs?

Senator NAMPIJINPA PRICE: Yes.

Ms Bogaart: One moment—we'll find that amount.

Senator NAMPIJINPA PRICE: Perhaps while you're there, and you might want to take this on notice, you could also provide some of the details, including the project names, the grant amount, the organisation delivering the project, the location, the purpose of the project, grant acquittal criteria, status of the project, and expected completion date, if not yet.

Ms Bogaart: Okay. Senator, I'll start with your first question. To date there are now 26 funded initiatives and we have spent approximately $45.66 million across the following three financial years, or we've committed that amount. That is further expenditure since we last updated you. In terms of each of the different programs, we did provide quite a thorough answer to that on notice after the last Senate estimates hearing. Are you asking for an update of that information on notice?

Senator NAMPIJINPA PRICE: Yes, please.

Ms Bogaart: I'll also mention the completion date. These are long-term programs. There isn't necessarily a completion date for them. They are intended to be long term and based on the community's needs, so there won't be a completion date as such. The grants do have end dates but communities can continue to apply for funding.

Senator NAMPIJINPA PRICE: So the unit itself isn't functional but there are projects underway. Is that correct?

Ms Bogaart: That's correct. The projects are being supported by the staff within my division at the moment. We have a branch of people who've been standing up the program, working with panels to do the assessment of the applications, and we're now working with each of those communities to establish activity work plans and provide support where required until the unit is stood up. So they do have direct support from the department at this stage.

Senator NAMPIJINPA PRICE: So to a degree the department is running the unit before it's in place?

Ms Bogaart: Before it transitions to the interim Justice Reinvestment Unit.

Senator NAMPIJINPA PRICE: Minister, is the government satisfied that the funding has been spent on the program in these different streams before the required body to oversee the program was established? The government's happy with the current situation?

Senator McCarthy: This does come under the Attorney-General's area. As the Attorney-General's Department has advised, this is clearly where it is at the moment. In my capacity as Indigenous Australians minister, I have met with the Coalition of Peaks in terms of the Justice Policy Partnership area, along with the other policy partnerships areas. I know that we still have a fair way to go, which I am looking forward to next week at our joint council in Perth.

Senator NAMPIJINPA PRICE: Is it the government's view that the immediate need for the program outweighed the need for the unit to be in place before the programs were up and running?

Senator McCarthy: I'll take that question on notice.

Senator NAMPIJINPA PRICE: If the government's happy with how the program is running, what's the point of the unit?

Senator McCarthy: I just said that I'd take that question on notice, so it's not about whether the government's happy or unhappy, Senator. I'd urge you to reframe your question.

Senator NAMPIJINPA PRICE: The federal government runs many similar grants programs without a bespoke overseeing body. So, given that the programs are up and running, is there a necessity for the unit to be in place?

Ms Bogaart: The unit is being established. It was actually a recommendation of the ALRC *Pathways to justice* report that there be a centre that supports those justice reinvestment initiatives to be established and then to grow and mature, to really work with and for the community where they are in place. The unit, I think, will be an excellent addition to the program in terms of the ability to provide that support to communities. Communities are at varying stages of maturity in terms of standing up their initiatives, and the unit will provide a centre for excellence to support that work.

Senator NAMPIJINPA PRICE: Is there support already in place for these programs to be set up?

Ms Bogaart: Do you mean the way the department is supporting communities? The department is supporting communities, and prior to that we had engaged Ninti One to provide readiness support to those communities prior to—

Senator NAMPIJINPA PRICE: So there are mechanisms already in place to support—

Ms Bogaart: The intention was always that all of these mechanisms would transition into a more formal unit. The unit will also have an evaluation and monitoring function. So it will be more than just supporting the communities; it'll be monitoring and evaluating all of those initiatives and demonstrating how justice reinvestment works, and works in different communities for different needs.

Senator NAMPIJINPA PRICE: Going back to an issue raised at previous estimates, it was an election commitment from this government that the Justice Reinvestment Program would include matching commitments from states and territories. Are you able to update us, please, on whether the program is receiving matching funding from states and territories?

Ms Bogaart: We're working with all states and territories where there is an active justice reinvestment initiative. We are having very good conversations with those states and territories; they are all very invested and interested in engaging in justice reinvestment. Some of them are already providing funding for justice reinvestment within their state or territory government budget. New South Wales, Queensland and the Northern Territory are all already investing. We're in the process of negotiating memorandums of understanding with those states and territories on how we will work together, including how we will co-fund initiatives as they become available.

Senator NAMPIJINPA PRICE: Can you provide, perhaps on notice, a list detailing those states and territories that have provided those commitments or are going to?

Ms Bogaart: To date, we don't have any specific commitments of co-funding. We're still working through those, although I note that we do have one initiative in the Northern Territory where the Northern Territory government is also investing in the same—

Senator NAMPIJINPA PRICE: So it's the same as last time: it's just the Northern Territory that has committed to one particular program?

Ms Bogaart: That's correct but we're continuing to work with the states and territories on this.

Senator NAMPIJINPA PRICE: Do we have an idea as to when we think that states or territories will come to the table to match their commitment?

Ms Bogaart: Some of the states and territories are already doing justice reinvestment in other parts of their jurisdiction. New South Wales has quite an extensive justice reinvestment program. A lot of the communities that we are working with at the moment are in the early stages of their justice reinvestment commitment. So it will also be that as they establish their programs and build the work that they're doing, there will be more opportunity to then talk to states and territories about where that co-investment is most needed.

Senator NAMPIJINPA PRICE: At previous estimates we discussed the acquittal criteria for these grants. For example, one of the projects discussed was to reduce alcohol abuse and alcohol-related violence and antisocial behaviour. Whilst that was the aim, there was some uncertainty about how that outcome would be measured in the grant acquittal. Do you have any further clarification on this particular issue?

Ms Bogaart: Each community is developing with the department an activity work plan, and each of those activity work plans lists how that particular initiative will be evaluated and the data and reporting that's required for that. I think I may have explained at the last estimates hearing that it will vary for each initiative how a measure is evaluated in a particular way. But it's early days for a lot of them. We've had grant agreements up and running for less than 12 months across the board, so it will take some time to be able to start measuring that. Justice reinvestment is a long-term investment.

Senator NAMPIJINPA PRICE: Just to clarify again, the evaluation process is being designed in partnership with states and territories—is that correct?

Ms Bogaart: With the community for each individual activity work plan, and then the Justice Reinvestment Unit will do the broader evaluation work across the program.

Senator NAMPIJINPA PRICE: The project in question was an upgrade of a men's shed, and in May you advised that the KPI for the project was just that the infrastructure was built. How many of the justice reinvestment projects have the completion of capital works as the only KPI?

Ms Bogaart: I'll have to take that on notice, Senator.

Senator NAMPIJINPA PRICE: If you could provide a list and a percentage amount on notice, that would be appreciated.

Ms Bogaart: I can do that, although I might just note that there is a very limited availability for capital expenditure in the grant opportunity guidelines. It's a maximum of $250,000 per project. So we can do that, but overall the capital expenditure isn't the lion's share of the investment.

Senator NAMPIJINPA PRICE: Okay.

CHAIR: I'll rotate the call to Senator Thorpe. Then I'll come to you, Senator Cox.

Senator THORPE: Thank you. Children's human rights—if you're interested. Your department met with the National Children's Commissioner following the release of the *Help way earlier!* report. Is that right?

Ms Harvey: Senator, I'm not sure which part of the department you might be referring to. We may have met with her, but not the entire department's here today, including the part that is responsible for the Human Rights Commission.

Senator THORPE: Do you know if the Attorney-General was present at that meeting? That's who the commissioner wanted at the meeting, after numerous requests—wanted to meet with the Attorney-General. Was he there?

Ms Harvey: I'm not aware of the details of that meeting. It might be a question that was directed to the department on Tuesday at our estimates.

Senator THORPE: There were specific actions outlined for the federal government to take in the report. This is about protecting children. I don't know if anyone's interested here, but—

CHAIR: Senator Thorpe, ask your question in a respectful—

Senator THORPE: Don't cut me off. I did not come here to—

CHAIR: No. As chair, it is my responsibility to ensure that you are orderly. I'm entitled to cut you off if you are rude to officials.

Senator THORPE: I'm not being rude. I'm asking if there's anyone interested in the rights of children.

CHAIR: No, it is their job to be interested, Senator Thorpe, and they know that.

Senator THORPE: Well, that's for them to say, not you.

CHAIR: Senator Thorpe—

Senator THORPE: I asked a simple question: if there's anybody at the table that is interested in the rights of children.

CHAIR: Senator Thorpe, I'm very happy to withdraw the call from you if you don't conduct yourself in an orderly way, but please continue.

Senator THORPE: Do you want to tell me what I'm allowed to ask?

CHAIR: Please ask your questions in a courteous way and there will be no issues.

Senator THORPE: Just for clarification, Chair, I can't ask who has an interest in the rights of children?

CHAIR: Senator Thorpe, you're well—

Senator THORPE: Is there anyone at the table that has the rights of children—can't I ask that?

CHAIR: Well, I'm sure the answer is everybody. But, Senator Thorpe, please don't debate me.

Senator THORPE: Am I allowed to ask that question, Chair? Am I not allowed to ask that question?

CHAIR: It is not the question; it is your disorderly conduct that is in question. Now, Senator Thorpe, please ask your questions.

Senator THORPE: Disorderly? I wonder what you've been reading. Okay, let's not worry about the children, then. Just to be clear, this is a cross-portfolio session for our matters that we care about, right? So it's not about palming it off to anybody else. Is that right? You're here to answer those questions in relation to First Peoples in this country?

Ms Harvey: Senator, I would just note that from the Attorney-General's Department, the Justice and Communities Group has been called but not the other groups in the department. I'm very prepared to answer the questions that I can, but I just note that not the entire department was called.

Senator THORPE: Okay. Do you know why we've only got some departments and not all when it comes to First Peoples' rights?

CHAIR: Senator Thorpe, yes. The officials that are here are those who have been invited by the committee who work most closely with the NIAA. But of course most of the Attorney-General's Department has a deep interest in Indigenous affairs, as I'm sure you would find. However, it's not practical to invite them all. So please, in the future, let us know who you want to call.

Senator THORPE: Thank you, Chair. I'll continue with my question then. Happening right now is the coronial inquest into the death of a beautiful 16-year-old boy, Cleveland Dodd. He was killed by the state after being criminalised, locked up, denied health care and subjected to prolonged periods in solitary confinement more than 16 hours a day, every day—16. During this inquiry, the Western Australian corrections commissioner, Brad Royce, said that he did not feel bound by international human rights standards. What engagement has the department had with the commissioner or the WA racist government relating to this disregard for human rights standards?

Ms Harvey: I will need to take on notice whether the department has engaged with the commissioner.

Senator THORPE: Thanks. The federal government's obligations to implement treaties like the Convention on the Rights of the Child and OPCAT—meaning you can't torture our children, but it continues to happen in this country—domestically are grounds for using the external affairs power. Can the department please confirm that it would be constitutionally possible to use the external affairs power to legislate a national framework for protecting the rights of children?

Ms Harvey: I think that would fall in the category of legal advice, and we're not in a position to provide legal advice to the committee.

Senator THORPE: Can I ask any of the departments what your plan is to stop 10-year-old children being put in spit hoods and tortured? Is there any plan to stop that? If there is, can you tell me about it? Tell all our mob out there listening.

Ms Harvey: We have a responsibility for work around Closing the Gap outcomes 10 and 11, which of course go to the over-incarceration of young people and adults. That is work that we are progressing through a range of fora. In terms of spit hoods, that has been an agenda item on the Standing Council of Attorneys-General. I'm very happy to take on notice what's happened there. It does fall—

Senator THORPE: It's great that it's on the agenda.

Ms Harvey: It does fall within a different group within the Attorney-General's Department.

Senator THORPE: Of course it does. Minister, can I ask you?

Senator McCarthy: Sure.

Senator THORPE: What threshold of abuse, neglect and child deaths will compel the federal government to act? How many deaths? We lock up children as young as 10. When does it stop? And what are you doing about it?

Senator McCarthy: Well, I've certainly written to the Chief Minister of the Northern Territory in regard to the recent administration change in the Northern Territory. We certainly had the age at 12 with the view of raising it further. With the change of government, they have now immediately brought in legislation to reduce that. I have advocated very strongly to the new administration against that proposal.

Senator THORPE: Thank you. What are you doing federally besides writing a letter to—

Senator McCarthy: Senator Thorpe—

Senator THORPE: Are you going to show any leadership and say that everybody needs to follow—

Senator McCarthy: that is what we have to do; it is work—

Senator THORPE: I'm still asking my question.

Senator McCarthy: Chair, may I finish? May I answer the question? I was asked what we are doing federally. Senator Thorpe will not let me finish. I was asked the question: what are we doing federally? I'd like to respond.

Senator THORPE: But I hadn't finished so—you be the umpire here. Go on.

CHAIR: It's my job to be.

Senator THORPE: It's your job. Go for it.

CHAIR: Minister, please answer the question. When you're finished, Senator Thorpe may ask her next question.

Senator THORPE: What's the question, Chair?

CHAIR: You asked the question.

Senator THORPE: Yes, what's the question?

CHAIR: It's not my job to repeat your questions.

Senator THORPE: Don't point at me.

CHAIR: Don't be ridiculous. Senator McCarthy, please answer the question.

Senator McCarthy: The question is what am I doing federally, Chair—if that assists the committee. In terms of federally, this is why, as I took on the role of Minister for Indigenous Australians, I wanted to try to call senators together in terms of Closing the Gap so that we can in a united way achieve that process, especially around the Justice Policy Partnership. I have met with the co-chairs of each of the policy partnership areas. I know that the Coalition of Peaks sees this as absolute priority.

Senator THORPE: A lot of meetings and letters—where's the action? Our babies are dying.

Senator McCarthy: Senator Thorpe, do want to hear my answer? Why ask? Why ask if you don't want to hear the answer?

Senator THORPE: Where's the action? Our kids are dying.

Senator McCarthy: Why ask? Why ask if you don't want to hear the answer?

Senator THORPE: Our kids are dying.

CHAIR: Senator Thorpe, you're wasting your time when we've got a lot to get through.

Senator THORPE: All I'm hearing is 'I'm going to this meeting', 'I'm writing this letter.' Where is the action—

Senator McCarthy: Senator Thorpe, you may not like my answer—

Senator THORPE: from the Minister for Indigenous Australians—

Senator McCarthy: but if you ask a question—

Senator THORPE: on stopping our babies from dying in the system?

CHAIR: I have a point of order before me. I suspend the proceedings.

Proceedings suspended from 09:14 to 09:15

CHAIR: We're reopening now. Minister.

Senator McCarthy: Thank you, Chair. That's why, when I took on the role of Minister for Indigenous Australians, I wanted to reach across to all senators and even members of the lower house in terms of Closing the Gap and what we can do in a united way to try to reduce the high rates of incarceration, but in particular the high focus on our children, young children, across Australia. This does require a united approach, and it can be done, Senator Thorpe. It can be done and must be done. So whilst you may be objectionable against those kinds of processes, it is the way to go in terms of what we can do at the federal level, because each state and territory jurisdiction is responsible for the areas of justice. I need the support of federal politicians, including you, to be able to see what we can do in terms of applying the kind of pressure that is required to ensure that our kids do not get locked up.

Senator THORPE: Thank you. So why didn't you back me when I was pleading with your Attorney-General to implement the Royal Commission into Aboriginal Deaths in Custody recommendations and the *Bringing them home* report? Why didn't you back me on that, Minister? Why did you stay silent in that meeting in his room when he screamed at me that day? Why did you stay silent? Why won't you back the recommendations being implemented?

CHAIR: You've put the question.

Senator McCarthy: Yes, she has put the question. I'm not silent on the fact that we need to reduce the high rates of incarceration and the high rates of out-of-home care of First Nations children. The conduct between you and the Attorney-General is your business. It is not my business. Your behaviour that day was totally inappropriate. It was totally inappropriate, Senator.

Senator THORPE: What about his behaviour? He was screaming at me. He stood up on his desk and shouted down at me. No white man does that to me, and he did it in front of you.

Senator McCarthy: It does not matter. Your behaviour—

Senator THORPE: You let it happen.

Senator McCarthy: Oh, no. You're very capable of making things happen and you like to set things up so that they do happen.

Senator THORPE: Will you—

Senator McCarthy: You're very good at that. I commend you on that.

Senator THORPE: support the implementation of the recommendation to the Royal Commission into Aboriginal Deaths in Custody? And will you support the full implementation of the *Bringing them home* report?

Senator McCarthy: We absolutely support that, and we recognise that each state and territory jurisdiction has enormous responsibilities to ensure they are fulfilled.

Senator THORPE: What about the federal response?

Senator McCarthy: I just answered your question, Senator Thorpe.

Senator THORPE: Are you—

Senator McCarthy: I just answered your question. You're clearly not listening.

Senator THORPE: To clarify that—

Senator McCarthy: You're clearly not listening. You are not listening.

Senator THORPE: I am listening, but it's not clear.

Senator McCarthy: I have answered your question. You might wish to go back to the *Hansard*.

CHAIR: I rotate the call now to Senator Nampijinpa Price. No, sorry—it's Senator Cox.

Senator THORPE: Chair, a follow-up—I just wanted to get on this the record. The recommendations on deaths in custody for federal leaders—will you action those, Minister?

Senator McCarthy: I have answered your question, Senator.

Senator THORPE: Okay, we won't have action. It's a weak answer.

CHAIR: Senator Thorpe, Senator Cox now has the call. Thank you, Senator Cox.

Senator McCarthy: Excuse me, Chair. A point of order, Chair. I ask that Senator Thorpe withdraw her comment due to standing orders of impugning a senator.

Senator THORPE: I'm asking about deaths in custody.

CHAIR: Senator Thorpe, I do ask you to withdraw your imputation—

Senator THORPE: That was a weak answer.

CHAIR: without restating it.

Senator THORPE: Can't you say, 'That's a weak answer'? Where does it say—

CHAIR: Just withdraw your imputation.

Senator THORPE: Where are the rules there?

CHAIR: It was disorderly. Please withdraw your imputation.

Senator COLBECK: Chair, if we can just all lower the tone a little bit and, across the table, no reflections on colleagues as part of the discussion, I think we'll achieve so much more.

CHAIR: I agree, Deputy Chair. I very much—

Senator COLBECK: We have a lot of questions to ask.

Senator McCarthy: I ask that the committee, Chair, respectfully asks those questions and that the senator withdraw her imputation.

Senator COLBECK: Chair, can I say—

Senator THORPE: Can you withdraw yours?

CHAIR: Deputy Chair.

Senator COLBECK: Look, I think cessation of reflection on colleagues both ways across the table would be of use to us all so that we can get on with answering questions. This whole committee will be served better if the questions and the answers are provided in a respectful way, rather than trying to speak over each other, so that we can actually get through the important questions that we have to ask. Can I just ask for everybody to be respectful in the way that they address each other and set an appropriate example as part of the work of the committee.

CHAIR: Thank you, Deputy Chair. I appreciate your support in upholding the conduct of the committee. We'll now move to further—

Senator McCarthy: Excuse me, Chair.

CHAIR: Yes, Minister.

Senator McCarthy: May I seek the withdrawal from Senator Thorpe for her comment, please?

Senator THORPE: I support what your deputy chair has said, that it was both ways, and I suggest you take that advice.

CHAIR: Senator Thorpe, are you happy to withdraw your imputation as requested by me as chair?

Senator THORPE: You've got to go both ways. That's what your deputy chair just suggested. So if it's not both ways—

Senator McCarthy: May I speak to the deputy chair's response? Clearly the deputy chair has not listened to the conversation. There was no imputation made on my part to any senator.

Senator COLBECK: So now there's a reflection on me. Can we just get on with it and stop talking about what we're doing?

CHAIR: Senator Cox, you have the call.

Senator COX: Thanks very much, Chair. Can I just clarify the total budget for justice reinvestment?

Ms Bogaart: The commitment was $69 million over four years, and that funding is ongoing at $20 million a year. Then there was a further commitment of $10 million for the Justice Reinvestment in Central Australia Program over four years, as well as the Justice Reinvestment Unit, which is a commitment of $12.5 million.

Senator COX: Thank you, Ms Bogaart. Picking up on Senator Price's comment around the matched funding from states and territories, do any of the states and territories have a plan for justice reinvestment? Never mind the matched funding yet, but do any of them actually have a plan about how they're going to reduce incarceration for First Nations people?

Ms Bogaart: Senator, it's probably not my place to comment on the plans of each state and territory. I know that different jurisdictions are doing different things in the justice reinvestment space. Of course in terms of reducing incarceration rates everyone signed up to the National Agreement on Closing the Gap. The Justice Policy Partnership plays a role in that and we work with the states and territories in that forum. But in terms of specific plans for each jurisdiction on justice reinvestment, I couldn't speak to that.

Senator COX: Can anyone else at the table—Minister, is that something that the Justice Policy Partnership group is able to do with producing, in and across their jurisdictions, specific plans for reducing incarceration rates for First Peoples?

Senator McCarthy: Thank you, Senator Cox. It's certainly something that I am pushing for. This is why the Closing the Gap areas of each of the policy partnerships are critical. When I meet with the co-chairs of each of the policy partnership groups, with Pat Turner—this area of high incarceration rates, the suicide rates and the high rates of out-of-home care is deeply, deeply worrying. We have the right people at the table with the Justice Policy Partnership, and I want to understand why it is we're not doing exactly what you're asking. So I have put those questions through. We do have the joint council meeting in your state next week, which is where I will be thoroughly wanting solid responses to that. I do want to see this as absolutely in action in terms of reducing those rates across the jurisdictions.

Senator COX: Who's doing the data collection in relation to the measurement of outcomes, particularly in this area, and who owns and controls that data? Obviously the data is going to give us an indication of whether we're on track, instead of waiting until the Productivity Commission does that reporting for us. Surely states and territories are tracking their own data, but is there any independent evaluation on those outcomes actually happening?

Senator McCarthy: Do you mean with the high incarceration rates?

Senator COX: Yes, I do.

Senator McCarthy: What the Coalition of Peaks is asking for is an independent mechanism, and I want to see that established. Sure, the states and territories may collate their own data, but the Coalition of Peaks is pushing for an independent mechanism, and I do want to see that established.

Senator COX: Will that be a feature of the Justice Reinvestment Unit? Will they act as a pseudo-independent evaluator? Will that be a function? Do we know that much?

Senator McCarthy: No. That's a good question. I'd have to have this conversation with the co-chairs of the Justice Policy Partnership, but I would think that they too would want an independent mechanism that actually does this oversight, which is independent of government and certainly has its own statutory role—but I will come back to you if that's not correct—so that there can be quite heavy influence and effective guardianship, if you like, of what the states and territories are doing and not doing, and the federal government.

Senator COX: Thank you, Minister. Recently we've seen, in the past few years, the hijacking of state-based issues in relation to events that are happening in jurisdictions that continue to throw off track our plans in relation to justice reinvestment. We've seen that in different areas. Are there any assurances that we can keep this on track and make sure that the states and territories understand the importance of justice reinvestment to reduce the incarceration rates but also to make sure that we are dismantling that pipeline of child protection right through to adult incarceration if we're going to close the gap on life expectancy for our people? We can't continue to have this being hijacked as we've seen in previous years. Are they some of the conversations, Minister, that you're having with your counterparts in states and territories?

Senator McCarthy: I'll get to your question. I'll just say, Senator Cox, this is why we're establishing the First Nations commissioner for children and youth, because we know that each state and territory jurisdiction has their own pieces of legislation around what they're doing with young people. It's important to have that advocacy at the national level. But yes, to answer your question directly. This is why next week will be the first meeting that I have with all the Coalition of Peaks and the Indigenous affairs ministers across the country: to effectively push for this point around what is happening with our children in each of these state and territory jurisdictions, and the disapproval—the outright disapproval and outrage that is occurring in regard to the Northern Territory and now what we're seeing in Queensland.

Senator COX: Great. Thank you. Can I ask some quick questions about native title?

CHAIR: Senator Cox, I need to interrupt the committee—not you specifically—to advise that the media is here and they've requested permission to take photographs of the committee's proceedings. I take it that we're in agreement and that if anyone objects we can consider that request, and that you'll do so in accordance with the rules of broadcasting. Please continue, Senator Cox.

Senator COX: Thanks, Chair. Regarding the $77 million being allocated to support PBCs, can I ask what that support on the ground looks like?

Ms Broun: Senator, I'm just waiting for the correct officer to come to the table to go through that detail.

Ms Kerrigan: Funding for PBCs covers a range of different activities. First of all there's basic support, which supports the operations of PBCs. That goes to the conduct of activities that support PBCs to meet their obligations under both the CATSI Act and the Native Title Act. That might be running an AGM and those sorts of activities, and consulting and making native title decisions. There's also the PBC Capacity Building Program, where PBCs can apply directly under the Indigenous Advancement Strategy for funding to support native title holders to make progress towards reaching their economic, social and cultural aspirations. Those activities can cover a range of different sorts of projects, from strategic and business planning through to work such as support to negotiate agreements, and seek advice and support through that process—and small capital works and those sorts of projects as well.

Senator COX: Ms Kerrigan, how are those PBCs selected? What's the process in relation to priority? Is there a matrix or a formula that can tell us about why we're funding which PBCs in which jurisdictions? Or is this a bit of a postcode lottery in relation to who gets the money and for what? Is there a process that you can provide to me on notice so I can see how that might be assessed, or is that based on the minister's assessment?

Ms Kerrigan: I can certainly provide information on that. I would say the basic support is available to all PBCs through the native title representative bodies and service providers. All PBCs can access support through that process. In terms of capacity-building funding, any PBC is able to provide funding. Our grant opportunity guidelines are available on our website. They set out the process around that. PBCs initially work with the regional office on an expression of interest to outline the detail of the project. That helps ensure that PBCs are coming up with projects that are likely to be eligible before they then go through the process of the full application against the IAS criteria. Any PBC is able to apply for funding at any time.

Senator COX: Okay. The PBCs are the ones who have had their native title determination and then move on to PBC status in building a future fund and building their economic and social aspirations? Is that the understanding of the department, Ms Kerrigan?

Ms Kerrigan: The funding for PBCs for capacity building is for—yes, where native title holders have a determination. There are some instances where there's eligibility for organisations such as the traditional owner corporations in Victoria as well. I would say also in terms of PBC funding and resourcing, we are working together with the National Native Title Council and a steering committee of PBCs from around the country on that very question in response to the Juukan Gorge recommendation about funding for PBCs. That process is looking at what PBC funding looks like and what are some options that the steering group are able to put to the government on what funding and the way funding is allocated could occur into the future.

Senator COX: Ms Kerrigan, can I clarify that point? We're asking the Native Title Council to provide the economic modelling for that. You are not seeking economic modelling to be done based on that Juukan Gorge recommendation; the department is asking them how much money they would like? Is that correct?

Ms Kerrigan: No, we're doing a range of work. Importantly, getting the views from PBCs on what's worked, what some of the challenges are and how PBCs operate is one part. Separately, and to help inform that process, we are in the process of economic modelling around the benefits of resourced PBCs for the regional economy and for mainstream industry more broadly as well. The NIAA has engaged a consultancy firm to then undertake some of that work. The first stage of that work is completed and we're just going through the final stages to complete that report at the moment.

Senator COX: Does any of this capacity building involve just-terms compensation? We've now had quite a few cases from Timber Creek to the Yindjibarndi to the Noongar native title settlement here in Perth. Does any of this include some of that? There's a real skills deficit in relation to just-terms compensation being acquired through the Federal Court and the capacity for folks to then look at the—because most of it's held up and bound up in administrative issues and ILUAs with state and territory governments. Is that the role of your department, Ms Kerrigan: to ensure that just-terms compensation is being achieved but also that the capacity for that and our access to be able to do that, to achieve all of our social and economic aspirations is actually something that's achievable? Right now we're being hamstrung by governments across this country that continue to hold our money in trust. People are living in horrific conditions and we're not actually doing that. What is the role of your department in ensuring that we get access to that?

Ms Kerrigan: In terms of contribution to any compensation settlement separately, that's a separate question and a matter for states and territories and then for the Commonwealth to consider at separate times. But in relation to negotiation and to support for preparedness for compensation negotiations, for example, both the native title representative bodies and service providers have that as one of their functions as part of their Native Title Act service obligations. Additionally, the capacity building program funding can then be used to help support a PBC who might be thinking about entering negotiations around compensation discussions where there are steps—not

to duplicate where states and territories should be coming to the table to support those processes as well. There are avenues in which, for example, thinking about the strategic planning and setting out those aspirations and thinking about what it is that a group might want to take to a settlement conversation around compensation—they are the sorts of activities that can be funded through the program.

CHAIR: Senator Nampijinpa Price.

Senator NAMPIJINPA PRICE: I've got one more question with regard to the Justice Reinvestment Unit. It's perhaps more directed to the minister. Following on from some of Senator Cox's questions, basically it's been 2½ years since the election. The unit isn't up and running. There are no funding commitments. Now there are conversations around the possibility of establishing an independent mechanism for evaluation, but nothing of any real substance. It's just conversations. Minister, you say you're pushing for that, but where is the action on it? Is this just an ALP cash splash?

Senator McCarthy: No.

Senator NAMPIJINPA PRICE: Thank you.

CHAIR: Senator Liddle.

Senator LIDDLE: My questions go to issues of governance of organisations that exist to help the most vulnerable people in our communities. This relates to an organisation in South Australia. What checks were done on KWY? This is an organisation that represents itself as a national leader in child safety and family violence. What checks were made before the government gave funding to that organisation since 2022, and how much money has been given from any of your agencies to that agency since the government was elected?

Ms Broun: I'll have to check if we've got that information. Otherwise we might have to take it on notice.

Ms Jackson: We're just checking the details of that particular organisation. We'll try to come back to you in this session.

Senator LIDDLE: I'm going to ask another question while you're doing that. I've raised for some time questions about the governance in this organisation and that it was noncompliant with its regulator. Are you aware, Minister, that at 6.30 last night, ORIC lodged an order for an examination of that organisation's books? And was there any communication with the department or the minister's office that finally somebody was going to take action to look at the state of this organisation's governance?

Senator McCarthy: I'm not aware of what may have occurred at 6.30 last night, but I can certainly check through my officers as to any previous awareness of what may or may not occur with ORIC.

Senator LIDDLE: Even before an investigation by ORIC, it was pretty straightforward to see that there were issues. The government talks a lot about consultation. It talks a lot about engagement with peak bodies. Was there any communication from any peak body responsible for the areas that KWI says are its principal activities—that is, counselling for men, and training of government and those in organisations?

Ms Jackson: Again, we'll check that we've had any correspondence on that, but we shouldn't take too long to come back to you on that.

Senator LIDDLE: As well as it being painfully obvious and the government continuing to resist calls for audits of organisations where there are clear indications that there are questions to ask, federal Minister Rishworth in September gave the opening address at a national conference being hosted by this organisation—the opening address. What due diligence do any of you do of organisations before handing over funding and allowing ministers of government to then stand up publicly next to representatives of these organisations? What due diligence do you do if those things have come to light in very recent times?

Ms Jackson: I'll just ask my colleague to talk through the process of due diligence.

Mr Creagh: The NIAA operates under a standardised control framework. When we go through a process of selecting an entity to receive funding, they've got to obviously put in an application. As part of the assessment process we look at a range of things. We do an organisational risk profile. That looks at—

Senator LIDDLE: Mr Creagh, in the interest of time, can you table that?

Mr Creagh: Yes.

Senator LIDDLE: But would you, based on what I've explained to you—and I'm happy to table this—agree that your due diligence was inadequate on this occasion?

Mr Creagh: Over the course of time, arrangements within entities will change. We do a cyclical review of our risk profiles, and we do incorporate things like information that we're getting from ORIC or ACNC or however an entity is incorporated. We also will look at information we're getting from our regional office, the information that

we're getting as part of our performance reports, and any other information that's available to us when we do that review.

Senator LIDDLE: Would you say that an organisation that is funded by the Commonwealth, which continue to make announcements about their funding, and that has the same number of members as there are directors of that organisation, who are paid directors, is something that you should have picked up in your due diligence process?

Mr Creagh: There are a range of different scenarios and models in which entities are incorporated.

Senator LIDDLE: Is that not checking your own homework on that organisation? That surely would jump out at anyone with even basic governance training.

Mr Worth: Senator, we'll look at the particular details of that organisation. But in and of itself, the number of directors and members of an organisation is not a clear indicator of risk from a governance perspective. You can have quite small organisations with very strong governance capability, hence the number itself isn't a direct link to that. It is more with, as my colleague indicated before, the risk profile of the organisation when those organisational risk profiles are undertaken.

Senator LIDDLE: Okay. In one of those statements, the CEO is also a member and a director. Surely, again, anyone even with a basic understanding of governance would have not just acted and asked more questions, but certainly wouldn't have poured money as the government has done into this organisation. Now we have, as of 6.30 last night, an investigation.

Mr Worth: Again, some of the organisations that we deal with are quite small. The mere existence of a person having those roles doesn't immediately represent a governance risk.

Senator LIDDLE: This is an organisation with millions of dollars in funding for vulnerable people. The size doesn't matter; what matters is the quality of the work that they do and the demonstration of good governance.

Mr Worth: Again, we'll have to look at the specifics of this particular provider that you're calling to our attention.

Senator LIDDLE: While the ORIC has decided, finally, to look more closely at this organisation, Minister, will your government look at whether you should suspend the funding and the decision-making arrangements in this organisation, given what I have explained today and given that ORIC, as of 6.30 last night, has raised issues and is looking at this organisation?

Senator McCarthy: I'll seek further advice with regard to it, and I do understand that ORIC will appear today and be able to provide further information on that.

Senator LIDDLE: My question is about whether there's any intention from government to continue to provide funding or to suspend the funding that has already gone to this organisation, not whether ORIC is investigating or what ORIC will do. I'm asking what the government will do.

Senator McCarthy: I've just responded to that question.

Senator LIDDLE: Thank you—so long as that's clear. Some of the questions that I've asked you've taken on notice, because there are quite a few. Are you able to provide responses before we leave this portfolio?

Ms Jackson: Yes. We're getting some information. I can confirm that we don't have any correspondence in our system relating to that organisation, but I'll come back to you on the other questions.

Senator NAMPIJINPA PRICE: Thank you. I'd like to ask some questions of the Attorney-General's Department and through NIAA around the circumstances surrounding NAAJA.

CHAIR: I'm doing 10-to-15-minute rotations, and they're at about 11 minutes now.

Senator NAMPIJINPA PRICE: Thank you. At the previous round of estimates, advice was provided that, in Alice Springs, an additional 16 individuals went unrepresented. Of those, six were on remand due to the failure of NAAJA's service delivery. This is in addition to the 75 unrepresented and 21 on remand, who were advised of in February. Have there been any other people unrepresented as a result of the failings through NAAJA?

Ms Harvey: The most recent advice we have from NAAJA, which is from 2 October in my notes, is that there have been no Aboriginal people unrepresented in criminal proceedings in the Northern Territory by NAAJA unless by choice.

Senator NAMPIJINPA PRICE: Since the last—

Ms Harvey: That was the update as at 2 October.

Senator NAMPIJINPA PRICE: So that's just from 2 October. What about between 2 October and the last update that we were provided? Can you please find—

Ms Harvey: Sorry, that was the last update I think we had. We can certainly take that on notice—

Senator NAMPIJINPA PRICE: You can inquire as to whether there are any—

Ms Harvey: but I have until 2 October.

Senator NAMPIJINPA PRICE: Okay. Yes, provide advice from between now and then. In May, you advised that NAAJA's full services resumed in April. Has there been any disruption to any of NAAJA's services since then?

Ms Bogaart: We have been speaking with the Northern Territory government and NAAJA regularly, and we understand that NAAJA is continuing to deliver services across the Northern Territory.

Senator NAMPIJINPA PRICE: At previous estimates, you took on notice how much it cost for NAAJA's subcontracting of the legal services of Territory Criminal Lawyers in Alice Springs and what the cost would be. I believe that answer was not provided in questions on notice. Do you have that answer with you today?

Ms Harvey: Are you able to give us the reference to that question on notice, please?

Senator NAMPIJINPA PRICE: I don't have the reference number with me.

Ms Harvey: I have one here which is FPABE24/10/NAAJA Subcontracting Arrangement. Is that the question on notice, Senator?

Senator NAMPIJINPA PRICE: I would say so.

Ms Harvey: That provided a response around Territory Criminal Lawyers. The advice was that they had billed NAAJA $12,612.50 across six clients, using Legal Aid NT invoicing rates. At the stage that we provided that answer, NAAJA anticipated the final cost would be around $30,000, which was inclusive of that $12,000-odd.

Senator NAMPIJINPA PRICE: Has that been the entire cost?

Ms Harvey: That was the response that we provided to date.

Senator NAMPIJINPA PRICE: Are there any further costs?

Ms Bogaart: They anticipate $30,000 towards the end, but the current bill is around $18,000. Territory Criminal Lawyers were only engaged for that very small cohort of people, and they have now largely moved through the system.

CHAIR: I'm due to rotate the call now, but I am mindful that you look like you're about to conclude a block of questioning. Is that right, Senator Nampijinpa Price?

Senator NAMPIJINPA PRICE: No, I have more questionings along this line.

CHAIR: Okay. I'll rotate the call now, then.

Senator THORPE: Going back to deaths in custody, given the recommendations are still not implemented in this country at the federal or state levels, I want to talk about women's health during pregnancy in prison and pregnancy outcomes. I'd like to hear from both the Attorney-General's Department and the health departments on these. Pregnancy care for women in prison is atrocious. There is no care for women in prison who are pregnant. Pregnancies are at risk, and stillbirths and miscarriages are too common. There is no clear reporting or data on the prevalence of stillbirths and miscarriages in prisons. The Senate recently voted in favour of MyOPD having regular reporting on deaths in custody, on stillbirths and on miscarriages. The only ones who did not support that were the Labor government and the minister herself—

CHAIR: Senator Thorpe, please come to your question. If there's a question behind your long statement, it is really important that the officials can get across the entirety of the specific question.

Senator THORPE: Alright. I hear you. The government has refused to comply, stating that not all states and territories collect the data and that what data exists isn't available to the Commonwealth. So no-one in this country knows how many stillbirths and miscarriages are happening in the prison system. Do you know? Can someone explain to me where the data is, who's collecting it and what's going on with these babies who are being miscarried as a result of systemic racism locking our women up?

CHAIR: Okay. Thank you, Senator.

Senator THORPE: Thank you, Chair. Stop cutting me off.

CHAIR: Give the officials a chance to respond to the question.

Senator THORPE: You don't cut anyone else off. It's a very serious question, and I've had a number of mothers come to me who have lost babies. So who's doing something about it at this table, please?

Mr Exell: As we've discussed before, health care in corrections facilities is the responsibility of state and territories. I don't have an answer—

Senator THORPE: I know that.

Mr Exell: —to the specific reporting.

Senator THORPE: Tell me something I don't know.

Mr Exell: Chair, am I allowed to continue my answer to the question?

CHAIR: Mr Exell, please give your answer.

Mr Exell: Thank you. I am aware of an AIHW report in overall health care. I don't have the details of that report and what it covers. My colleague may be aware, but we're happy to take that on notice to understand what detail is provided in the AIHW reporting.

Mr Mudaliar: Senator, you're right, and Mr Exell is right in that the states and territories are responsible for the provision of health care in custodial settings. The AIHW undertakes a survey of health for prisoners.

Senator THORPE: Yes, I know about that.

Mr Mudaliar: The survey is somewhat limited in terms of the numbers—

Senator THORPE: Every three years, is it?

Mr Mudaliar: That's my understanding.

Senator THORPE: Yes, it is every three years.

Mr Mudaliar: It is somewhat limited in terms of the scope of questions that are asked and the number of people that partake in that survey. In the department, we are engaging with the AIHW on how that can be a much more robust survey, how it can be undertaken more regularly and how the scope can be increased so that we get—

Senator THORPE: It's voluntary.

Mr Mudaliar: But we are looking to see what resources can potentially be provided to really strengthen that report so that it can guide policy consideration and reform in this space, given the larger body of work that we're undertaking in the health care in prison space.

Senator THORPE: That survey is every three years. You don't have to do it. Prisons don't have to do it. And prisons aren't looking after our people. We've had over 600 deaths in custody in this country, and no-one has ever been held accountable—not one person ever. Prisons can choose to take that survey or not, and it only counts how many pregnancies there are. It doesn't count miscarriages or stillbirths. Who's counting our dead babies, who are dying at the hands of the system? Who's counting them? Who cares, really? I know you palm it off to the states and territories, but then they'll palm it off to you. When and how are we going to stop killing Aboriginal and Torres Strait Islander babies in this country? I understand that survey, but that is nothing. That's great, but it's not great. What is actually happening to stop these babies dying?

Mr Exell: As my colleague has said, within the roles and responsibilities of us in the Department of Health and Aged Care, we are looking to increase the resources and support for that survey to see how we can get more data and then use that as part of the discussion with states and territories, who have the responsibility in this space.

Senator THORPE: You're working on a plan to get more resources to the states to have a yarn about how we can collect data—and then what?

Mr Exell: As I said, within the roles and responsibilities of the Department of Health and Aged Care, that is the plan that we are taking.

Senator THORPE: So you're going to fix it.

Senator McCarthy: Senator Thorpe, I might add something.

Senator THORPE: It'd be great, Minister, to hear from you.

Senator McCarthy: Yes, I know you enjoy listening to me, Senator! In 2017, I chaired the Senate inquiry into child—

Senator THORPE: I don't have the time right now.

Senator McCarthy: Well, do you want to hear about stillbirths?

Senator THORPE: Cut it short.

Senator McCarthy: I chaired the inquiry into stillbirths. I was very concerned about the babies that were still in morgues after five or six years and not being buried, especially First Nations babies. One of the recommendations that came out of that was recommendation 15—that the former Australian health ministers advisory council and the Australian government lead a process to develop and implement a national stillbirth action plan, which did occur under the previous government. I know now that Health Minister Mark Butler is also overseeing all of that. In terms of the prisons, obviously, you've had conversations with his office and his staff about care for prisoners in prisons, as I have with regard to also having—

Senator THORPE: There's been no action.

Senator McCarthy: Aboriginal medical services in prisons and in our juvenile centres.

Senator THORPE: That's not going to work.

Senator McCarthy: I think it will go a long way to assisting—

Senator THORPE: We don't have Aboriginal medical services everywhere there's a prison, and our Aboriginal medical services—

Senator McCarthy: Well, it's not done yet.

Senator THORPE: are under the pump.

Senator McCarthy: It's not done yet, Senator—

CHAIR: Senator—

Senator McCarthy: but it is in two jurisdictions, and that's—

Senator THORPE: Not in all—

Senator McCarthy: in the ACT and the Northern Territory.

Senator THORPE: that's the point I'm making.

CHAIR: This is not a debate.

Senator THORPE: Can I ask my next question please, Chair—if that's all right with you?

CHAIR: Yes, next question.

Senator THORPE: Great. Thank you. When a baby dies in prison, is that counted on the Australian Institute of Criminology's deaths in custody register?

Ms Bogaart: I don't think so. I think there's quite a clear definition of death in custody that has been established for quite a long time. But we will take on notice whether it does include that.

Senator THORPE: Okay. There was a coronial inquest into the death of a baby in a Victorian prison that was handed down in 2023. The death occurred as a result of systemic failures and systemic racism. The mother and baby were not provided with the care that they needed, and the baby died an avoidable death. There was a recommendation that in these instances babies should be regarded as being in custody for the purposes of critical incidents and death. I know there's no formal process for monitoring and implementation of coronial inquests at the federal level, but is the government aware of this recommendation, and what are you going to do about it?

Ms Harvey: I don't know that we are aware of that particular recommendation.

Senator THORPE: Is that it?

Ms Harvey: Sorry. I don't know if anyone else is, but I don't know that we are aware of that particular recommendation, no.

Senator THORPE: Okay. That's because there's no national coordination, right? There's just no national coordination. There was the Royal Commission into Aboriginal Deaths in Custody in 1991—33 years ago. Over 600 deaths in custody. No-one held accountable. How many families and communities are just reeling from the trauma? How many more deaths in custody on your watch do we have to go through? How much heartache and pain—

CHAIR: Senator Thorpe—

Senator THORPE: No, give me a break.

CHAIR: You said you're short on time—

Senator THORPE: Give me a break.

CHAIR: so come to your question.

Senator THORPE: Give me a break, Chair. This is a very serious situation.

CHAIR: It is indeed.

Senator THORPE: Honestly, Chair; have some respect. I'll go to my next question. We know restraints and shackles are regularly used on women who are pregnant in prison, even on those in labour. Can you imagine that, as a mother: being shackled and handcuffed while you're trying to have a baby? That's what happens in this country. Do you accept that conditions in prison can create massive risk and trauma to mothers and babies? Anybody can answer that. Minister, what do you reckon?

Senator McCarthy: Well, I'd just like to firstly put on the record, if I could, Senator Thorpe, that you did meet with Minister Mark Butler over health in prisons.

Senator THORPE: Yes, I did.

Senator McCarthy: Ah! But you said you hadn't, so I just wanted to make sure—

Senator THORPE: No, I didn't say that.

Senator McCarthy: I just wanted to make sure—

Senator THORPE: I did meet with him a number of times. I've given him a list—

Senator McCarthy: Great. Thank you for clarifying that.

Senator THORPE: I gave him a list of medicines, like diabetes medication, that will save deaths in custody. But do you think he would implement that? No.

CHAIR: Senator Thorpe.

Senator THORPE: There are preventable deaths happening on your watch and his watch.

CHAIR: Senator Thorpe—

Senator THORPE: If we only gave—

CHAIR: the call is due to go back to the coalition now.

Senator THORPE: some medication to diabetics in prisons and made sure that mothers could have their babies without being shackled and that these babies dying in the system were counted in some way—

CHAIR: Okay, the call now returns to the coalition.

Senator THORPE: It's absolute denial of justice and it's a continual slow genocide of our people.

Senator McCarthy: Chair, I just wanted to clarify that that meeting had taken place, so I thank Senator Thorpe for her clarifying.

CHAIR: Thank you for correcting that.

Senator THORPE: And I will continue to meet with him. He's actually great to sit down and get business done with—not like others.

CHAIR: Thank you for correcting the record, Senator McCarthy. Senator Liddle or Senator Nampijinpa Price?

Senator NAMPIJINPA PRICE: My question's relating back to NAAJA. In September, in an interview with the ABC *7.30*, former CEO Olga Havnen stated that NAAJA's telephone system was grossly inadequate and that calls, particularly from the prison, were going unanswered. Ms Havnen stated:

… it was very obvious that we were missing hundreds of calls a day.

How can you have confidence in the figures you've provided to estimates when NAAJA are missing hundreds of phone calls from or on behalf of people in need of representation?

Ms Bellenger: Senator, I may take that question perhaps. Upon that information being received, NAAJA did go back through all of their records. We believe that that reference was made to the custody notification system, or scheme, and they couldn't find any evidence of that. We have gone back on a number of occasions. They have provided very regular updates, on a monthly basis, about how many calls are received and answered.

Senator NAMPIJINPA PRICE: Are you able to table any relevant information with regard to that particular matter? I'm still not confident that if the system itself was inadequate it's going to capture precisely those numbers.

Ms Bellenger: I will have to take that on notice. I do have some of that data, but for tabling purposes we will get the full set of data. We were very surprised to hear that. Certainly, in all of our meetings with Ms Havnen as acting CEO she had not raised that previously. We were alarmed to hear it and went back and verified it, and certainly NAAJA provided some evidence that that perhaps wasn't the case.

Senator LIDDLE: I've just got a follow-up question. You were just talking about CNS. The custody notification scheme is not about people who are already in prison making contact; it's actually about people who are coming into contact with police making contact between the legal service and the police. So why are you raising the issue of the CNS in relation to something that has nothing to do with the custodial settings in a prison?

Ms Bellenger: That was the information NAAJA provided to us—that they went back through their phone system and how it's recorded. That was the information that they provided.

Senator LIDDLE: So, on that basis and understanding the role of CNS and who is involved with CNS, the information that they have provided is incorrect.

Ms Bellenger: They believed that was what the reference was made to, having followed it up themselves. But I can come back and table the information that was provided and seek further evidence on that from them. I'm not sure if my colleagues have—

Senator LIDDLE: NAAJA's phone service and the CNS are not the same thing.

Ms Bellenger: That they clarified that statement is my understanding—that's the information that I have.

Senator NAMPIJINPA PRICE: It was in direct correlation with the CNS?

Ms Bellenger: That's the information that I've been provided with, yes.

Senator NAMPIJINPA PRICE: Okay. With regard to the Ernst & Young investigation, has that concluded? At the last estimates it was suggested that it was expected to be finalised in the second half of this year, so has the investigation by Ernst & Young into NAAJA drawn to a conclusion?

Ms Bellenger: There were two audits by Ernst & Young. One was our grant controller report. Certainly that's well in progress, and our final report will be received in December. In terms of the other audit into the financial arrangements, led by the Northern Territory government, they are still working through the findings of that report.

Senator NAMPIJINPA PRICE: Do we have any indication as to when that will be finalised?

Ms Bellenger: I believe it's by the end of year, yes.

Senator NAMPIJINPA PRICE: Do we know what the costs of undertaking those reports by the Commonwealth are?

Ms Bellenger: No, we do not know that yet. The NT government is still working through that report.

Senator NAMPIJINPA PRICE: Okay, so there's no date as yet. Minister, have you, the NIAA or the Attorney-General's department taken any action in response to some of these issues so far? Has there been any indication at all from the review, or is action going to be sought once that comes through?

Senator McCarthy: We've taken action through the different processes that Ms Bellenger has outlined to the committee, and of course we need to wait for the final report. We're also mindful there's still ongoing court action in regard to NAAJA, so we are also monitoring that. Let's see that we can come to some conclusion before the end of the year.

Senator NAMPIJINPA PRICE: At the last estimates, Ms Bellenger informed us that NIAA had issued NAAJA with a breach notice and that NAAJA had until 16 July to respond. Did NAAJA respond?

Ms Bellenger: Yes, they did. It was perhaps not by the timeframe, but certainly we were meeting regularly with them and working through. They've provided us with a remediation plan, which we have accepted. They have new financial management systems in place. At the moment, they are running dual financial systems just to make sure, and in three months they will move completely to the new one.

As well, there has been a change of personnel in NAAJA leading the management and the financial systems. We've sat down and gone through budgets by line items, and we are confident they are absolutely heading in the right direction.

Senator NAMPIJINPA PRICE: Are you able to, on notice, table the breach notice and NAAJA's response to that?

Ms Bellenger: Yes, Senator.

Senator NAMPIJINPA PRICE: Is it possible to provide that by the end of today's session?

Ms Bellenger: We've got the breach notice, so I'll do my best, yes.

Senator NAMPIJINPA PRICE: Okay. You did say that the grant controller is still in place; is that correct?

Ms Bellenger: That's correct. The grant controller is in place. All of the recommendations and findings they have made, we believe, are similar to the broader report, and we've already taken action on all of those findings.

Senator NAMPIJINPA PRICE: Last time you stated that they were both managing the distribution of funds and investigating past misdirection of funds. Are you able to provide a little bit more detail on that?

Mr Worth: I might answer that question. The use of prior funds is subject to the separate audit that we've spoken about already, being undertaken by Ernst & Young. As part of their role with the other hat on—of grant controller—they look at it from the date of appointment, which was at the end of last year. They've been moving forward. So they have been looking at the expenditure in relation to the services. They've been then holding the money until they're satisfied that those costs have been verified valid, and then they'll provide the funds to NAAJA.

Senator NAMPIJINPA PRICE: You also stated that last financial year the NIAA had appointed six grant controllers. Has this number changed at all?

Mr Worth: At present we have four grant controller arrangements in place with providers.

Senator NAMPIJINPA PRICE: Are you able to provide a list of organisations who have had grant controllers appointed to them? That might be an NIAA—

Mr Worth: Yes.

Senator NAMPIJINPA PRICE: Thank you. In June, the NIAA announced that it would audit the $9.8 million provided to NAAJA. That's what you were speaking in relation to?

Mr Worth: Correct.

Senator NAMPIJINPA PRICE: And that's in relation to 2023-24 as well?

Mr Worth: The audit period that Ernst & Young has been looking at is 2022-23, and that relates to funding provided by the Northern Territory government as well as NIAA.

Senator NAMPIJINPA PRICE: And, just to clarify, that's ongoing?

Mr Worth: The report itself is, yes, being in the finalisation stage at the moment.

Senator NAMPIJINPA PRICE: In June the Federal Court ruled that the NAAJA board acted unfairly in commencing an audit of former CEO Priscilla Atkins when she blew the whistle on the chief financial officer, Madhur Evans. Ms Atkins claimed that Mr Evans made discrete payments to the then NAAJA chair, Colleen Rosas; bullied employees; recorded conversations without consent; and disclosed confidential information. I note that Northern Territory police finalised an investigation into Mr Evans and concluded that the actions of Mr Evans did not meet the threshold for charging and so took no further police action. Has the NIAA investigated Ms Atkins's claims against Mr Evans?

Mr Worth: We have not, on the basis that they were investigated by the Northern Territory police, and so we relied on the outcomes of their review.

Senator NAMPIJINPA PRICE: So that's sufficient enough for the NIAA to not warrant any further—

Mr Worth: The Northern Territory police have an extensive investigations capability, and we will take the outcomes of their investigations.

Senator NAMPIJINPA PRICE: And I'm assuming the NIAA were thoroughly across that investigation?

Mr Worth: Our investigations team were in contact with the NT police on this issue.

Senator NAMPIJINPA PRICE: The Federal Court further found that Ms Rosas deliberately concealed information from the audit NAAJA launched into Ms Atkins to try and unscrupulously rig the audit against Ms Atkins. Minister, is this appropriate behaviour for the then chair and current deputy chair of an organisation in receipt of substantial Commonwealth funding?

Senator McCarthy: Given that the court proceedings are still underway, Senator Price, I do believe it would be inappropriate for me to comment on that particular part of the question.

Senator NAMPIJINPA PRICE: Returning to *7.30,* Colleen Rosas provided a statement in which she said that, while she still serves on the NAAJA board, she intends to resign at the right time. Given the current Federal Court has found that Ms Rosas deliberately concealed information from an investigation to justify the unlawful dismissal of NAAJA's six former CEOs, is the right time, in fact, immediately?

Senator McCarthy: There are still ongoing negotiations in regard to the decision of the Federal Court, and I would prefer to remain away from that at the moment, Senator Price. I'm obviously more than happy to respond once there is finalisation of that case.

Senator NAMPIJINPA PRICE: Minister, you provided a statement to the same *7.30* stating that the NIAA, the Attorney-General's Department and the Northern Territory government had written to NAAJA on 1 August and were awaiting a response. Are you able to table that letter for the committee?

Senator McCarthy: Certainly.

Senator NAMPIJINPA PRICE: Has NAAJA responded to that letter?

Senator McCarthy: I would refer to the agency on that.

Ms Bogaart: Yes, they responded on 13 September.

Senator NAMPIJINPA PRICE: Are you able to provide that response to the committee?

Ms Bogaart: In consultation with NAAJA, we can take that on notice.

Senator NAMPIJINPA PRICE: Thank you. As reported by the ABC, the letter apparently asked that NAAJA provide full transparency regarding the source of funds used to pay any costs incurred by NAAJA in Ms Rosas's defamation matter. What information has NAAJA provided in response to this?

Ms Bogaart: NAAJA has provided a response noting that funding for that matter came from own-source revenue within their organisation.

Senator NAMPIJINPA PRICE: Minister, is the government satisfied that no Commonwealth funding that was provided to NAAJA for service delivery has been used to pay for Ms Rosas's legal fees?

Senator McCarthy: Are we satisfied that we haven't paid for Ms Rosas's legal fees? Is that what you're asking?

Senator NAMPIJINPA PRICE: The response then suggested that they were paid for—Ms Rosas's legal fees. Is that correct?

Ms Bogaart: The response we've had from NAAJA is that any costs of that particular matter came from NAAJA's own-source revenue.

Senator NAMPIJINPA PRICE: Is the Commonwealth satisfied with that?

Ms Bogaart: We have sought some further clarification on what own-source revenue might entail.

Senator NAMPIJINPA PRICE: For the purpose of this committee, on notice, when that response comes through, can that please be tabled?

Ms Bogaart: Yes. We'll take that on notice.

Senator NAMPIJINPA PRICE: Minister, in August the then chair of NAAJA, Mr Hugh Woodbury, resigned in disgrace after the *Australian* revealed he had physically abused his pregnant partner in an alcohol fuelled tirade. The *Australian* further reported that while Mr Woodbury was stepping down as chair he would remain as a director of NAAJA. Minister, how is this tenable?

Senator McCarthy: I've certainly had discussions with the Attorney-General in relation to that. We have expressed our concerns to the board. Clearly it is a matter for the board.

Senator NAMPIJINPA PRICE: How can someone be unfit under these circumstances to be a chair but still remain as a board member?

Mr Worth: Under the terms of the funding agreements, restrictions on individuals relate to those involved with the management and service delivery, because that obviously represents from a risk perspective a greater risk. Following correspondence with NAAJA and gaining an understanding of Mr Woodbury's role now as a non-executive director, having stood down, it has been determined that he is not management under the definition of their head agreement. Therefore, permission typically required by NIAA for individuals to perform those roles is not required.

CHAIR: I will be due to rotate the call very shortly.

Senator NAMPIJINPA PRICE: Do you support that position? Does the NIAA support that position?

Mr Worth: The head agreement is quite clear that individuals involved in management and service delivery have restrictions as to their background.

Senator NAMPIJINPA PRICE: Minister, do you support that position?

Senator McCarthy: Could you just repeat that? I've just had something sent through to me from my family.

Mr Worth: The funding agreements by the Commonwealth to these organisations place expectations on management and service delivery individuals that they meet a certain standard when it comes to convictions and bankruptcy—typical qualification requirements.

Senator NAMPIJINPA PRICE: Mr Worth, does his appointment meet the fit-and-proper-person test?

Mr Worth: Under the terms of the contract, his appointment as a non-executive director, his current role, does not require the proper-person test to be undertaken from our contractual perspective.

Senator NAMPIJINPA PRICE: In terms of the funding agreement, but in its entirety—

Mr Worth: More broadly—

Senator NAMPIJINPA PRICE: More broadly.

Mr Worth: you would appreciate that NAAJA has a regulator. They are an ACNC organisation with the charities, and they meet those standards.

CHAIR: It's time to rotate the call now. Thank you, Senator Nampijinpa Price.

Senator NAMPIJINPA PRICE: I literally have like one more question in this block for this.

CHAIR: Okay, please continue.

Senator NAMPIJINPA PRICE: Just quickly, who is the current chair? It's still listed as Mr Woodbury on the website.

Ms Bogaart: Colleen Rosas, as the deputy chair, is the interim chair until a new chair is appointed. My understanding is that NAAJA intends to hold an annual general meeting on 27 November, where decisions will be made about board members.

CHAIR: Last question.

Senator NAMPIJINPA PRICE: It has taken some time. In August, the co-founder of NAAJA, Natalie Hunter, called for the entire board of NAAJA to step down. Since May, additional board members have left the organisation. The High Court found NAAJA to have unlawfully dismissed its executives for whistleblowing on corrupt conduct. Have any of these events prompted any further action from the government to ensure it actually uses taxpayer funds to provide legal services?

Ms Harvey: I think my colleagues at NIAA have set out the actions that we have taken in relation to the funding controller and the audit. We have continued to meet regularly with the Northern Territory government and NAAJA. We have continued to talk to them about the work that they have underway around governance. I am aware that they do have a new acting CEO, Anthony Beven, who of course has—

Senator NAMPIJINPA PRICE: Sorry, can I just ask one last question. Earlier this year, the Attorney-General threatened to remove NAAJA's funding if they did not improve. Since then they have not improved. The governance continues to fall off a cliff.

CHAIR: That's not a question.

Senator NAMPIJINPA PRICE: Was this threat from the Attorney-General empty, Minister?

Senator McCarthy: No.

CHAIR: Senator Cox, you now have the call.

Senator COX: I have some questions for the Department of Education. I would like to ask about the $32.8 million allocated in the budget to Clontarf Foundation. Can you tell me about the measurement of this contract? It's been one that's quite longstanding. Are we measuring this around attendance grades and ATAR scores? What are the measurement tools for that?

Ms Brighton: Clontarf have had a longstanding contract with the Australian government in the order of $98 million over the period of 2023 until when the current contract finishes in the 2025-26 year. Clontarf have had a series of evaluations undertaken over the years. Each one of those evaluations have looked at similar things by way of student attendance and student completions of year 12. At the moment, there is a draft evaluation underway with a particular focus on looking at a cost-benefit analysis of Clontarf. That is in process at the moment and will be finalised likely by the end of the year or early next year.

Senator COX: Ms Brighton, can you just clarify that they're independent evaluations and not ones that are undertaken by the department?

Ms Brighton: There have been a range of evaluations over the years. The cost-benefit analysis is an independent evaluation. Previous analyses that I'm aware of are ones that have been combined with state and territory departments, like what New South Wales had commissioned. I suspect some of them have been commissioned by Clontarf directly, but I will ask Mr Mudford if he has got anything to add to that.

Mr Mudford: What Ms Brighton said is correct. The cost-benefit analysis that is currently being conducted is being done by ACIL Allen. Ms Brighton referred to some of the state and territory commissioned evaluations.

One in 2017 by New South Wales was done by their Centre for Education Statistics and Evaluation, and another that was conducted in 2017 was done by Synergistiq.

Senator COX: Regarding the $29.1 million over four years that's been allocated to support the National Aboriginal and Torres Strait Islander Education Corporation and SNAICC for program delivery, can you give me a breakdown—and I'm happy for you to do that on notice—around the allocation of this funding?

Ms Brighton: Certainly. There are a couple of components to that. The first is funding for the National Aboriginal and Torres Strait Islander Education Corporation. This is the new peak education entity that has been established, and that funding will enable NATSIEC to establish themselves and put in place the partnership arrangements and then fund the work that they will do working in partnership not only with the department but also with community and the state and territory representatives from an education perspective. NATSIEC is receiving $12.5 million over four years. After that, it's approximately $4 million indexed annually. The other part of that funding was funding for SNAICC.

Mr Mudford: For SNAICC, the funding is $16.6 million over the next four years, and then, similar to NATSIEC, beyond there it will be approximately $4 million annually.

Ms Brighton: And this partnership funding isn't for program work. It's quite distinct from any program funding that in particular SNAICC is receiving. It is particularly focused on their work to engage with government, engage with community and advise on matters relating to education, First Nations education and First Nations early childhood education as it relates to children and young people.

Mr Mudford: The funding reflects the government's commitments under the National Agreement on Closing the Gap, particularly clause 32, which outlined the strong partnership elements, one of which being providing adequate funding to partners.

Senator COX: Similarly, have they got independent evaluation attached to the success of these investments?

Ms Brighton: With NATSIEC, we're in the process of just establishing the partnership agreement as a brand-new organisation, so we're in very early stages on that partnership agreement. With SNAICC, a close-to-final draft of their partnership agreement should be settled by the end of the year; that is what we are working towards. Mr Mudford might be able to comment on evaluation.

Mr Mudford: So for both of them, as Ms Brighton said, we are working through the partnership agreement and the grant agreement to give effect to providing the funding, and that will look at what the appropriate reporting requirements are and how we might consider evaluation over the coming years as we consider or review the partnership with these peak organisations, and the partnership agreement themselves will likely have an element that goes to a review process.

Senator COX: So just to clarify, Mr Mudford, the reporting mechanism is very different against contract outputs versus outcome based evaluations. I think you are trying to funnel that into the same thing. Just to clarify, the independent evaluation of these has happened separately in relation to outcomes. Or are all these contracts outcome based?

Mr Mudford: For NATSIAC and SNAICC the arrangement will be more about working in partnership and the advice that they as First Nations peak bodies provide to the government and to the department about education matters. So we are using a green agreement as the mechanism to provide the funding to them, but, as you said, they are a different arrangement to our standard program based or outcomes based requirements.

Senator COX: Great. Regarding the $27.5 million that's allocated to extend existing programs for the Indigenous Education Foundation Scholarship Program and the Indigenous Cultural Responsiveness Initiative, and English Language Learning for Indigenous Children, can I ask if any of those against the $27.5 million are also being evaluated? And is it an extension of the current program, or is there an extension of those programs more widely to extend them to other locations?

Mr Mudford: I will work through each of them. The Australian Indigenous Education Foundation is an extension. It is $20 million to continue their scholarship arrangements for the 2025 calendar year. Their last evaluation was in 2020, which was conducted by KPMG, which I think we have spoken about previously. The English Language Learning for Indigenous Children, or ELLIC, is an extension and expansion. That initiative has been managed by Education Services Australia, and it has supported up to 20 early learning centres and schools in remote areas. The expansion will be up to 100 in remote and very remote areas. ELLIC was conducted, but there were a number of factors that impacted the pilot, including COVID, so an evaluation of the ELLIC work with this expansion will be something that we will consider. Then the Indigenous Culture Responsiveness Initiative is delivered by the Australian Institute for Teaching and School Leadership. It is an extension of the existing initiative; there's a further $2 million to support that initiative. They are conducting an implementation study at

the moment in terms of looking at the toolkit that had been developed and how it has been used by schools, and that's had some minor delays from ethics clearances, and we are working with AITSL at the moment on the scope and arrangements for the extension with the $2 million. And I should say for completeness that the ELLIC amount is $5.5 million.

Senator COX: My last question on this block is about the $2.4 million that's allocated to the First Initiatives Teacher Strategy. Is that to develop the strategy? I can't find it anywhere online. Or perhaps you are able to provide that on notice, too. And what is the timeframe for that?

Ms Brighton: The First Nations Teacher Strategy is a body of work particularly focused on strengthening the pathways and the opportunities for First Nations folks to go into teaching. We have done phase 1 of that work, where we have engaged with—

Mr Mudford: Nous and Murawin.

Ms Brighton: They have done a literature review. They have looked at what existing materials are available. The next part of the work is for us to partner with the First Nations entity for them to lead out the engagement on the design work around what the First Nations teacher strategy will look like. We are expecting to have that out in the market shortly, and we will be particularly focusing on partnering with the First Nations organisation around that. We have heard very strongly from NATSIPA, which is the peak First Nations teacher and principal association, about the need to do this with the workforce because they have the best and strongest understanding of what is required. The First Nations Teacher Strategy is also something that we have highlighted under the Better and Fairer Schools Agreement that we will be delivering. That agreement, which we are currently negotiating with states and territories, has not only been negotiated in partnership with the coalition of peaks and NATSIAC but actually has some really key foundational elements about anchoring in the importance of cultural safety in schools for both students and staff. This all works as part a package to try and strengthen up and make a pathway into teaching—a safe pathway, a viable pathway and a pathway that is accessible to any First Nations person who wants to go down that by way of their career.

Senator COX: Thank you, Ms Brighton. Chair, will I get another opportunity?

CHAIR: Yes, I can apportion one more block, depending on how far we go over before getting into the councils. Senator Nampijinpa Price or Senator Liddle?

Senator LIDDLE: I will go to yet another organisation with serious governance questions to answer. It relates this time to Yadu Health at Ceduna.

Senator McCarthy: Chair, perhaps I could respond to Senator Liddle's question on KWY. My office has had confirmation from ORIC that there is no investigation into KWY. It is part of a rolling examination process triggered by KWY having a change in size. It is not in response to any complaints or allegations, and I understand that ORIC will speak to that this afternoon.

Senator LIDDLE: Am I able to table that? It talks about the examination of the books and any related body corporate matters. That is inconsistent with what are you saying to me now. It sounds inconsistent, what you are telling me is the advice that you've got. That's very, very clear.

CHAIR: The committee can't deliberate on whether it can be tabled until it has seen it, so we will just have a quick look.

Senator LIDDLE: Well, we don't necessarily need to deliberate. What I'm saying is, if the minister needs these copies, I'm happy to give that to her to show that what she is saying appears inconsistent with the evidence that I sent her.

CHAIR: Absolutely table that, Senator.

Senator LIDDLE: Would you like me to move on, Chair?

Senator McCarthy: Sorry, I just wanted to give that as part of the question.

Senator LIDDLE: I'm not wanting to debate the contents of that. I'm just wanting to say, 'Here it is, this is what I've got, and that doesn't sound like what you're saying.' So I'm happy to leave it at that and move on to Yadu.

CHAIR: It was dated yesterday.

Senator THORPE: Are you okay, Chair?

CHAIR: Yes, thank you, Senator Thorpe. We can now table that, thank you.

Senator LIDDLE: Thank you. So Yadu Health: the government gave $13 million to Yadu Health to build a health clinic to be completed by 2024 and at last estimates you advised that the tender had been republished. Two years later, is there even a slab?

Ms Turner: Yes, that is correct. We have allocated funding to Yadu Health Service in Ceduna to build a new health clinic to replace the old one that has been knocked down. We don't have a slab there as yet, so we haven't commenced that work as yet.

Senator LIDDLE: I can confirm that you don't have a slab. There is nothing there.

Ms Turner: Not as yet, no.

Senator LIDDLE: Where are you up to in the procurement process before actually getting started on this work, given that this is a cashless debit card community and the government expected that there would be social and health implications as a consequence?

Mr Barratt: At the moment the successful bidder in that tender process is working with the Yadu Health board on some design processes, and they are currently being accredited by the South Australian—sorry, I have got it here.

Senator LIDDLE: So, Mr Barratt, what's the new completion date?

Mr Barratt: It is early 2026. We are expecting the accreditation to come through later this month and for ground to break in early 2025, with completion in 2026.

Senator LIDDLE: Given the delay, that is not just because of building issues. We know there are governance issues with this organisation; it's not hard to work that out. What is the additional cost for this build that taxpayers will have to stump up because of governance issues at this organisation for issues that have actually contributed to the delay? What is the extra cost of this project?

Mr Barratt: The department has provided an additional $560,000, and then the South Australian government has tipped in $2.5 million and Yadu Health has provided $2.61 million to come to the current total cost.

Senator LIDDLE: Before you gave an additional $560,000, did you bother to look at the annual report of this organisation? You would have found that they haven't lodged an annual report for 2023-24. Let's assume they're not doing one for a while. Do you know how much is on its balance sheet and whether it could have covered those costs?

Mr Barratt: I don't have that information.

Ms Turner: We will have to take that on notice.

Senator LIDDLE: Does anybody look at an organisation's financial statements to make sure to have a look at the money that they have actually got in the bank to see whether they even need money from the Commonwealth, particularly health money? They can get money from the Commonwealth through Closing the Gap to contribute to their organisations.

Ms Turner: Yes, we certainly do.

Senator LIDDLE: Right. Are you also aware that there are some 20 vacancies at Yadu Health and they are even advertising for a new CEO?

Ms Turner: Yes, we are aware of that.

Senator LIDDLE: Does that give you any confidence, then, with an organisation that's already failed to deliver a really important project? You give them even more money and they can't even identify a CEO at that time or lodge their financial statements, and they have so many vacancies within their organisation. Doesn't that ring alarm bells for the department? That's my question. And did you provide advice to the minister's office that you had concerns before that money was transferred or agreed to?

Ms Turner: In answer to your first question, yes, we do have concerns about the governance of the board and the positions particularly within the organisation. We understand there are a lot of staffing concerns in terms of getting people to work in Yadu and the governance that oversees that. I have a team—I have two teams—within the division that work closely with Yadu on these particular issues, and we also are just doing everything that we can to support them in terms of making sure that they are getting more staff on board. We know Yadu is undertaking recruitment for a new CEO. Applications close at the end of October, so we expect that position to be filled very soon. We are very aware of the vacancies, and we are helping as much as we can to make sure that those vacancies are filled.

Senator LIDDLE: When did you hand over the $560,000? When did that transfer to Yadu?

Ms Turner: I will have to take that on notice. I don't have that information in front of me.

Senator LIDDLE: Can you ask your officials here to provide that immediately?

Ms Turner: Yes.

Senator LIDDLE: Surely you will be able to find me that.

Mr Exell: I would just add that we may not have passed the funds over, because I understand that was in lieu of cost escalation. So that's an overall contract scope in which there are milestones and you pay things in stages. We will check it.

Senator LIDDLE: You will clarify that.

Mr Exell: But my understanding is that we haven't passed funding over. It's got to be—

Senator LIDDLE: But you have been negotiating and working out that you were going to pay $560,000 additional.

Mr Exell: Sure. There's a cost escalation. Yes.

Senator LIDDLE: Okay. Are you aware that in August ORIC issued an order to examine Yadu's health books?

Ms Turner: Yes, we are aware of that.

Senator LIDDLE: Yet you still were looking at handing over more taxpayers' money to a health service that is in crisis and delivers services to people who are also in crisis in that community?

Mr Exell: As I said, the normal way for contracts is there are milestones and you pay according to stages. We have taken on notice to check the specifics, but my understanding is that we would not pay that additional money. That will be provided as the project advances. More broadly, as Ms Turner has been describing, our proclivity is to try to support organisations to work through these issues. There of course is a threshold where you get to a point where you need to stop that funding, but generally, like all of the organisations here, we try to work with these partners to build through these issues, and that's the process we're in at the moment.

Senator LIDDLE: At what point in your process does some common sense get applied?

Mr Exell: Again, if you're referring to when we provide the funding, there are milestones. When those milestones are met, payments are provided. That's the trigger that we have. We're happy to take on notice to provide you what that looks like, but that's how I would frame my answer.

Senator LIDDLE: Did the department provide communication to the minister's office—any of the ministers, whether it's the minister for health, the minister for Indigenous affairs or Minister Rishworth—that there were concerns about the funds being transferred to this organisation, because of what you knew?

Mr Exell: We provide regular updates to the minister for health and the Assistant Minister for Indigenous Health in terms of the structure and ongoing progress of all of our work. I don't know if we're specifically briefed on this issue, but my colleagues may.

Mr Barratt: We work with DSS to determine organisational risk ratings and we certainly communicate those to the minister, but I don't think that Yadu necessarily meet the threshold for—

Mr Exell: Yes, but we're happy to take on notice, because, as I said, we provide regular updates on all these infrastructure works. I will just check what's gone up in what detail.

Senator LIDDLE: If you could please confirm whether any of these issues of serious financial questions about this organisation were raised with the minister's office by the department.

Mr Exell: I'd be happy to.

Senator LIDDLE: Based on that, what comfort do you give taxpayers, the clients, the community and other people with financial interests that there is a way through this mess? You can only do so much; you are a government department.

Mr Exell: I agree. And as I said, there is a proclivity to try and support organisations to build capacity. In terms of what assurances we can give, it goes to, as Mr Barratt was talking about, the process we have for grant management. There is an organisational risk rating that is done by Services Australia that manages grants on behalf of the Department of Health. They have regular monitoring. In terms of payments, we do that according to milestones. Again, when things are delivered, payments are made.

Senator LIDDLE: We keep hearing about these peak bodies and how important they are in this structure. Were you alerted in any way, either verbally or in communications, by the peak bodies that are responsible for health that there were serious issues at this organisation? I ask that of you and I ask that of the minister.

Mr Exell: I'm not aware of being advised personally. I will check with my team. Otherwise, we are happy to take on notice if there has been advice from peak bodies.

Ms Turner: Yes, there has been. We are in regular contact with the Aboriginal community controlled health affiliate within South Australia and also South Australia Health. It has been a very coordinated effort to work with Yadu on these issues. We have been informed about it and we have been working quite closely with them on this.

Senator LIDDLE: Minister, have you been informed about this by the people you rely on to provide peak-body advice?

Senator McCarthy: In terms of Yadu and the construction of its new facility, I was aware that it was way behind—in fact, that there had to be a new tender process. I am unaware of any issues of governance, but I will take that part of your question on notice to see if my office has been informed in any way.

Senator LIDDLE: Are you able to provide copies of the communication or dates of those communications from the peak body specific to issues?

Mr Exell: I'm happy to take that on notice.

Senator LIDDLE: Minister?

Senator McCarthy: I'm happy to provide any information that my office has received.

Senator LIDDLE: Thank you.

CHAIR: Senator Thorpe.

Senator THORPE: This one is for Ms Harvey and the Attorney-General's Department. Part of your role is working with the Indigenous employment network and broader departmental staff to promote the recruitment, retention and inclusion of Aboriginal and Torres Strait Islander staff with the department. Is that correct?

Ms Harvey: I am the Indigenous champion for the Attorney-General's Department and in that capacity work with the Indigenous employees network but also, of course, with our HR corporate area.

Senator THORPE: This is off your website. This is what you have said on your website. Thank you for clarifying that. Between 23 May 2022 and 30 April 2024, the department hired 22 First Nations employees and 20 ceased employment. Based on these numbers, the department effectively had to replace almost its entire First Nations staff. How many more First Nations staff have you got left in the department since 30 April 2024?

Ms Harvey: I don't have those statistics with me, because, as I mentioned my role is the Indigenous champion, but I work with our human resources area, which sits in our Enabling Services Group. So I—

Senator THORPE: You don't know how many blackfellas you've got in your department?

Ms Harvey: Like I said, I don't have that information with me. I'm very happy to take it on notice.

Senator THORPE: I think so. Losing 20 staff in that period of time, when you only had 22, is pretty alarming. You lost 20 black staff out of your department and you don't know how many you have got left.

Ms Harvey: Like I said, the Enabling Services Group is where the human resources function for the department sits, so I don't have that information with me. That's information that they would have. I'm very happy to take it on notice.

Senator THORPE: As the Indigenous champion of the department, which you've proclaimed, you don't know how many staff you have that are First Peoples?

Ms Harvey: I don't have the exact numbers. It's something that our Enabling Services Group would have.

Senator THORPE: Is there one left, do you think, or two?

Ms Harvey: We have a number of First Nations staff in the department and in the group. I don't have the precise staff numbers with me.

Senator THORPE: Okay. Thank you. Do you know what the turnover rate of First Peoples has been in your department since the start of the parliamentary term?

Ms Harvey: That would have been a question for our Enabling Services Group. As I said, that is a HR function; they would have that.

Senator THORPE: We believe that to be around 70 to 100 per cent retention based on our figures.

Ms Harvey: Retention rate or—I don't know that is correct.

Senator THORPE: Turnover.

Ms Harvey: I'm happy to try and get some statistics.

Senator THORPE: That would be great. Thank you.

Ms Harvey: Could you perhaps advise where those figures are from?

Senator THORPE: I will have to take that on notice! As the Indigenous champion, has anyone raised issues of racism in the department with you, Ms Harvey?

Ms Harvey: I meet with staff who do have concerns about a range of things, including—

Senator THORPE: Racism.

Ms Harvey: including when they feel like they have encountered racism.

Senator THORPE: Okay. That's great. The figures have actually come from questions on notice, so they have come from you. Maybe check my questions on notice to you and see what your responses have been, and you will find your answer. How would you as the Indigenous champion—sorry, do you mind if I ask: are you Indigenous?

Ms Harvey: No.

Senator THORPE: You're the Indigenous champion for the department. Can you explain this extremely high turnover rate at all? Regardless of the numbers, there are factual numbers here that you lost 20 black staff. How do you acknowledge this?

Ms Harvey: I don't have that turnover rate in front of me.

Senator THORPE: You're the Indigenous champion.

Ms Harvey: As I explained, my role is not—

Senator THORPE: to champion Indigenous staff?

Ms Harvey: My role is absolutely to champion Indigenous staff, and my role is to do a range of things, but the statistics you asked for would of course sit within the broader statistics of turnover of the department.

Senator THORPE: Okay.

Ms Harvey: It is something that we may be able to come to, but I don't have them in front of me at the moment.

Senator THORPE: Given this high turnover, how can the community have confidence that the department is equipped to address and dismantle any entrenched systems of racism or white supremacy within the workplace?

Ms Harvey: We have a range of work that the department has been undertaking, both under the priority reforms work but also through the broader human resources work that we do—for example, around cultural safety in the workplace. We have a dedicated part of the department that is about looking at how we embed priority reforms from Closing the Gap in the work of the department. So it is something that is taken incredibly seriously and it's a part of my role I take seriously. Certainly, within my group we have sought to make sure that we have more First Nations staff working in the group, because we know that diversity is incredibly important. You need diverse views to be able to have good policy to be able to do good work. So I think there is a range of things we're doing. I do take that seriously.

Senator THORPE: Are those plans taking into account the 20 black staff you lost? As the Indigenous champion, has anyone raised personally with you issues of racism within your department?

Ms Harvey: As I mentioned, I do meet with First Nations staff from time—regularly, but people do raise concerns with me about their individual experiences.

Senator THORPE: I'm specifically saying to you, with all due respect: have any First People—Aboriginal and Torres Strait Islander people—within your department raised with you, as the Indigenous champion, the issue of racism that they endure or endured in your department personally?

Ms Harvey: That was my answer. As I said, I meet with staff in the department. I meet with First Nations staff in the department, and from time to time they raise with me experiences they have had in the department.

Senator THORPE: Including racism.

Ms Harvey: Yes. That's what I'm saying.

Senator THORPE: I'm sorry; I needed you to get on the record that there are Aboriginal and Torres Strait Islander staff in your department that are experiencing racism, and you have lost 20 in a very short period of time.

Ms Harvey: I understand that the turnover of Indigenous staff is comparable to the rest of our staff in the department.

Senator THORPE: That doesn't make it okay.

Ms Harvey: Well, people are free to choose where they are employed and whether they stay or whether they go. So of course the retention of First Nations staff is important, as are the promotion and the recruitment, but I think that, as a whole, if it's comparable to the rest of staff in AGD, it's something that is worth noting.

CHAIR: Senator Thorpe, I need to rotate the call now. Senator Pocock.

Senator BARBARA POCOCK: Thanks, everyone, for being here. I have some questions in relation to Yamagigu Consulting, formerly known as PwC Indigenous Consulting. According to Austender analysis, the total expenditure on PwC Indigenous Consulting by federal agencies reached $50 million. Of that $50 million, $17.2 million is from NIAA. Have I got that right?

Ms R Jackson: Over what time period is that?

Senator BARBARA POCOCK: I'm sorry; I don't have the exact dates, but that's what I see in total.

Ms R Jackson: I will get the details for you, but we have engaged PwC Consulting previously but not recently.

Senator BARBARA POCOCK: I understand that—but in the past?

Ms R Jackson: In the past we have, yes.

Senator BARBARA POCOCK: Total expenditure on PwC Indigenous when it existed was, I understand, $50 million.

Ms R Jackson: Yes.

Senator BARBARA POCOCK: And, of that, $17.2 was to the National Indigenous Australians Agency.

Ms R Jackson: Yes.

Senator BARBARA POCOCK: You will confirm whether I have got that right?

Ms R Jackson: I will confirm that. We have engaged them for evaluations on a number of things.

Senator BARBARA POCOCK: How would you describe the nature of work that NIAA sought from PwC Indigenous Consulting?

Ms R Jackson: As I just stated, they have been engaged for a number of activities. One I can recall from a few years ago was part of our Indigenous evaluations program. I would have to get the specific details for you, but my colleagues Mr Creagh or Mr Love might have details; I will just call them up.

Mr Creagh: One of the larger contracts that we had with PIC was the Indigenous tourism grant program, which, from recollection—and this isn't a hundred per cent accurate—was roughly around $10 million. That was initiated a couple of years ago. So that would account for, I think, the majority of that figure that you have referenced there.

Senator BARBARA POCOCK: I understand that that $17.2 million came from 23 contracts over a five-year period—and you'll tell me if I've got that right, subsequently. Why has the NIAA spent this much money on PIC in particular?

Ms R Jackson: We use consulting services for a range of activities, particularly where we don't have the expertise in house or where we need a level of independence. PIC have engaged, as my colleague said, in evaluations of programs and have that expertise that we've drawn upon. We received advice from the Department of Finance at the time the PwC issue came to light that we were able to continue to engage with PIC at the time. If you've got any particular contracts that you're concerned about, I'm very happy to look into them and provide more information.

Senator BARBARA POCOCK: Yes, I'm coming to that. Thank you. It is a concern, of course. We heard in this room just a couple of days ago that the government ban, effectively, on PwC—the larger entity—has been extended to at least the middle of next year. It has a 49 per cent holding within PIC. Definitely PIC is a PwC enterprise in very significant part. So it's of interest to taxpayers. The Labor government's Strategic Commissioning Framework sets out a goal for all departments and agencies to reduce their outsourcing of 'core work', including to consulting firms. How does the NIAA define 'core work'?

Ms R Jackson: We have done some work on the Strategic Commissioning Framework, and my colleague Mr Love will go to the details of what we define as core work. But we have a very low uptake of consultants in the agency. A lot of the work that we do we are able to do within our staffing resources. But I will ask Mr Love to provide that.

Mr Love: In terms of the Strategic Commissioning Framework, you are right—it is focused on reducing outsourcing of core work. The NIAA has defined and reviewed who performs core work in the agency, and, as

part of that work, it did result in three positions identified for reduction, and a cost-saving. But, in terms of that particular definition, I will have to take that on notice.

Senator BARBARA POCOCK: I'm sorry; I didn't understand that. Are you saying you have reduced—removed—three positions?

Mr Love: That's right.

Senator BARBARA POCOCK: From within the core workforce?

Mr Love: No, no.

Senator BARBARA POCOCK: The other way around?

Mr Love: The other way around. Apologies.

Ms R Jackson: Where we'd brought in contractors.

Senator BARBARA POCOCK: We'd certainly hope. Under what circumstances now would you approach a consulting firm for work, under the new definition through the Strategic Commissioning Framework?

Mr Love: Where the skill set does not exist in the agency and where we also require an agency to deliver a service—in my view, those two things combined.

Senator BARBARA POCOCK: So skill set and—what was the second one?

Mr Love: The timeliness of service.

Senator BARBARA POCOCK: I want to go to a specific contract with PIC. I want to table an article from Crikey earlier this year. It is titled 'Government restarts PwC gravy train with $700,000 cash splash'. Are you familiar with this article?

Ms R Jackson: I'm not, I'm sorry.

Senator BARBARA POCOCK: Okay. I'll make sure you get a copy of it. The $700,000 in question comes from two contracts that the NIAA had with PIC. The largest of these, CN4049953, was for 'stakeholder engagement and consultation services'. This contract cost $692,304 overall, or $160,000 a month in its short life. What was this contract actually for?

Ms Bellenger: Perhaps I can take that question. That was for the food security consultations across remote communities in four different jurisdictions, running from May to August 2024.

Senator BARBARA POCOCK: Talk to us about that. What did that look like actually?

Ms Bellenger: We had a discussion paper drafted around the importance of food security and what communities felt would be important in a national strategy. They went out to 21 communities and regional centres. They met with over 500 people. Then we had a further 45 submissions through that process. So they collated all of that feedback and those submissions into a final report to government to help inform the drafting of a national strategy.

Senator BARBARA POCOCK: PIC has, in its leadership structure, a single Indigenous person, who owns 51 per cent of the company. Previously, two owned it, and the remainder was owned by PwC. Can you talk to me about the composition of the people who actually went and did that consultation, how many were Indigenous, and how it integrated with the work of local communities and their populations, and how they are were represented in the consultation. I've been in lots of consultations; people need to be able to identify and talk to the people they are talking to.

Ms Bellenger: Yes. Certainly I know that the senior project manager for it was Indigenous and some of the senior staff. We've met with them regularly. I couldn't answer that today, but I will take it on notice and get back to you.

Senator BARBARA POCOCK: Thank you. I would really like to know exactly how it was done and what was the involvement of both local Indigenous and Indigenous people more broadly.

Ms Bellenger: Thank you.

Senator BARBARA POCOCK: The third question, and I'm done after this. I want to go to Yamagigu Consulting specifically. PwC has since sold its minority 49 per cent stake in PIC to Deloitte, and the entity has rebranded as Yamagigu Consulting. That firm currently only has one active contract with the federal government. It is CN4097032, it's with the NIAA and it's worth around $277,000. It's for 'corporate objectives or policy development'. What does that work actually mean? What does it involve?

Mr Love: It is related to assessment and evaluation services within NIAA.

Senator BARBARA POCOCK: Assessment and evaluation of what?

Mr Creagh: We'd have to take the very specifics on that in a little bit more detail, only because we're just looking at AusTender for that detail at the moment.

Senator BARBARA POCOCK: Thanks. I'm interested in what it was—the nature of the work.

Ms R Jackson: It's likely to be an evaluation of one of our programs.

Senator BARBARA POCOCK: Of a program; great. And once again I'm interested in the participation of First Nations people.

Ms R Jackson: We'll take that on notice.

Senator BARBARA POCOCK: Thank you. Has Yamagigu Consulting tendered for any other contracts with NIAA recently?

Ms R Jackson: We'd probably have to take that on notice.

Senator BARBARA POCOCK: Sure. Has the sale of PwC's stake to Deloitte changed anything for you, in terms of your likelihood to contract with Yamagigu Consulting? Has it changed the quality of their services? So two questions there.

CHAIR: Your last question after this, thank you.

Senator BARBARA POCOCK: Yes. I'm done after that.

Ms R Jackson: I would say more broadly that we are very cognisant of the government's Strategic Commissioning Framework, so we are being very mindful of that and operating within that context. I'm not aware of any particular information about this consulting firm, now, that has been taken into particular consideration, but we do have a general assessment process that we can talk through, or provide to you on notice, on how these procurements are assessed.

Senator BARBARA POCOCK: I'm sure you're familiar with the term 'black cladding'.

Ms R Jackson: I am, yes.

Senator BARBARA POCOCK: So how do you run the geiger counter over this particular range of consultants to ensure that they actually represent and include First Nations people, both in the actual work and in the way that work is conducted? Are you very confident about your evaluation of that aspect of this particular line of funding?

Ms R Jackson: I'd have to check on this particular line of funding, but, generally, we of course engage with Supply Nation, who undertake that assessment of organisations that are registered with Supply Nation as Indigenous organisations.

Ms Broun: Probably in a general sense I'd say, in terms of the procurement and then the assessment of those companies that might tender for work, there is a very thorough process to look at: Who are they using? How are they going to engage with community? There are lots of different criteria that would be applied through that process. We can get you that process that we go through as well.

Senator BARBARA POCOCK: I've spent a lot of time with these big consultants, tragically, in recent times, and I'm very familiar with the large volumes of guff which can be produced about what is purported to have occurred. So we need substantive processes of evaluation—

Ms Broun: Yes.

Senator BARBARA POCOCK: and I'm sure that's what you would like to see also. So I look forward to hearing how that evaluation actually—

Ms Broun: Yes, we can provide that.

Senator BARBARA POCOCK: Thanks very much.

CHAIR: Senators, I propose that we break for morning tea four minutes early, if that's okay, just so that we can rearrange the call. We will still be coming back with cross-portfolio and NIAA after the tea break and looking at which agencies we might let go and how we'll manage our time from here. Thank you.

Proceedings suspended from 11:11 to 11:26

CHAIR: As we resume, I want to let you know about our deliberations over the morning tea break, and I will alert Senator Cox to the fact that I'll be ready to give her the call very shortly. Coalition senators who had called the ILSC, the IBA, Outback Stores and the Office of Township Leasing have advised me, as chair, that, in the interests of time, they are going to put those questions on notice. On that basis, all of those agencies will be released, and that puts everyone else on notice that the time at which the program was being run will now change

substantially. I'll repeat those agencies: Indigenous Land and Sea Council, Indigenous Business Australia, Outback Stores and the Office of Township Leasing. We're now ready to resume. Senator Cox.

Ms Broun: Chair, Ms Bellenger wants to correct one thing that was said earlier and just clarify a point that was made earlier in relation to NAAJA calls that were missed.

Ms Bellenger: Thank you very much. My apologies. I feel like I've probably confused it more. So you were absolutely correct, Senator Liddle, in that the media did report about the prison calls. NIAA did our due diligence for the services that we provide and followed up very strongly with NAAJA about the CNS project, and we can confirm that we've got that data. You had asked for the other data to be provided. The NTG AGD's are working with NAAJA around those claims. They don't see a lot of evidence around it, but I would have to refer to them to provide that further advice about the legal services.

CHAIR: On a point of clarification, as chair: I know, Senator Liddle, you had questions and it was undertaken that information would be provided in the course of this morning. Does that cover off on those topics?

Senator LIDDLE: No. It's the other information—

CHAIR: I just want to create the prompt that when, and if, it becomes available, you're able to advise me so that I can give Senator Liddle the call.

Senator COLBECK: So that's information about Yadu and KWY.

CHAIR: Thank you. Senator Cox, you now have the call.

Senator COX: Thank you very much, Chair. I have some questions around First Nations digital inclusion.

Ms Broun: I'm just seeing if we have got the right people here for that one—yes. It is actually a different department, but we may be able to provide some general information.

Senator COX: That will be good, and if you can provide it on notice, that will be appreciated, Ms Broun. There is $68 million over four years to support digital inclusion, $40 million of that is going, over four years, to roll out community wi-fi in remote communities. It was supposed to be over the period of 2023-24. Can I get a progress update if possible?

Ms Guivarra: You may be aware that that program is actually run by the Department of Infrastructure, Transport, Regional Development, Communications and the Arts, DITRDCA. They would probably have the most up-to-date data in relation to the implementation of it.

Senator COX: Yes. Thank you, Ms Guivarra. As you are well aware, every time I ask this question in other committees, they tell me that I need to refer this to NIAA, which I am. So maybe you can get me an update on notice. Obviously, now we've missed that. We've been pushed to Friday of estimates week. We love to play policy ping pong in relation to who's answering these questions for us. I would appreciate it if I could get an answer from the department on this one.

Ms Guivarra: Senator Cox, happy to take it on notice.

Senator COX: Thank you very much. I appreciate that. Is there any way you can give me an update, then, on the establishment of the First Nations Digital Support Hub, or is that also one for notice?

Ms Guivarra: That's the same. DITRDCA runs that program, so I'm happy to add that to the list of questions that I shall send to them straight after this.

Senator COX: Yes. Also, the $6 million dollars on expanding the digital inclusion index around data collection—who's doing that, what's going to be done, how is it going to be done—and whether any of those contracts have actually been awarded as yet in relation to that would be great. I will go to the further investment in Closing the Gap. I have a question about custody notifications, since we've had a lot of conversation about that. There is $4.6 million in 2024-25. Is there a reason why the CNS is not being provided to Queensland or funding for the CNS is not being provided to Queensland and Tasmania?

Ms Guivarra: We're just getting the relevant official up to the table. As you will appreciate, the Custody Notification Scheme has funding of $4.6 million per annum. The costing for that relates to the initial sorts of calls to a legal service for the provision of a welfare check. We have noticed over the past 12 months a significant growth in the numbers of calls to all of our CNS services, but I might get our relevant branch manager to talk specifically about the services that you have mentioned in those particular states.

Senator COX: Thank you.

Ms Powell: You are correct; Queensland and Tasmania do not currently have Commonwealth funding for custody notification services. I believe in the case of Queensland that, at the time that funding was originally

offered, they advised the Commonwealth that they already had a similar system in place, so did not want to take up the Commonwealth offer of funding. I believe that occurred in Tasmania as well.

Senator COX: Thank you for that update, Ms Powell. I'll go to the maintenance of critical services and the $101 million that has been provided to maintain the delivery of critical services under the national partnership to the Northern Territory Remote Aboriginal Investment, including health, safety, wellbeing, schooling and justice services. What part of that contribution is being put towards family and domestic violence services in the Territory?

Ms Broun: Thank you, Senator. Ms Bellenger will answer that.

Ms Bellenger: There is approximately $30 million over three years in supplementary funding predominantly for the delivery of caseworker services in at least 23 communities and the operation of 19 remote women's safe houses.

Senator COX: Is that consistent with the rate of violence for the Northern Territory? The recent Senate inquiry into missing and murdered First Nations women and children heard the rate of family and domestic violence in the Territory is eight times the national average. So is the funding consistent with that?

Ms Bellenger: What I would say is we are currently in negotiation with the Northern Territory government around this national partnership, and certainly that's something under discussion. You will know that the Northern Territory government recently committed a further $180 million. I believe it's over five years. That's all part of a larger conversation, and that relates back to the national funding as well.

Ms Guivarra: I would say that, of course, the Northern Territory receives a range of funding across different agencies in relation to tackling family and domestic violence. You'll be aware, of course, that under the National Plan to End Violence against Women and Children, DSS provides funding to all states and territories. I have seen that you've asked several questions over the course of this estimates in relation to the new National Access to Justice program as well. There is provision of funding under the current services. We, at NIAA, provide funding for family violence prevention legal services in a number of states and territories as well. So it's not just the funding that occurs under the National Partnership Agreement for the Northern Territory that would actually support domestic violence services in the Northern Territory.

Senator COX: We're not talking about support. Just a reminder that there have been seven women that have died in four months in this jurisdiction. My specific question went to what money is going directly to save the lives of women and children in this jurisdiction that is now eight times the national average. So there's a sense of urgency for that. I appreciate that the Territory government is wanting to put $180 million towards that over five years, but we have women dying at unacceptable rates in this jurisdiction, and we see no sense of urgency. In the current budget papers, there is not even an allocation of First Nations money towards family and domestic violence in order to close the gap. We have a very important target for closing the gap in target 13, yet we still see a lack of response and a lack of urgency and priority from the department and from the government, frankly, in relation to saving women's lives. How are we actually going to achieve that, and where is the sense of urgency to achieve that? Do we have any immediate funding? Is there any update on that? Thirty million dollars over three years is only $10 million per year.

Ms Jenkins: I do have some additional detail about funding that is provided by NIAA in the Northern Territory, and I can provide an indication that's provided by colleagues at the Department of Social Services, but they might also wish to speak to that. NIAA currently invests approximately $40 million in the current funding year for domestic violence services in the Northern Territory. This includes the $10.3 million that we've already referred to under the Northern Territory Remote Aboriginal Investment agreement. It also includes $23.4 million for violence reduction and victim support, and there is a further $6.7 million which is provided under the Central Australia plan. So that's for funding that's provided in the current budget year, and we also have provisions in future years as well. That's in addition to the funding that's provided for family violence and prevention legal services.

Senator COX: When was the last evaluation or review of these contracts in relation to making sure that the money is actually getting to the right services and the right places, and is it being matched with any data, any heat mapping, around where some of these homicides are occurring? I appreciate that you're funding in specific locations, but we also see a disparity in the way that services are being funded by both the Territory and the federal government. These are the recommendations of the Senate inquiry into missing and murdered First Nations women and children. When was the last review done, and does the government have an appetite to actually now provide an up-to-date evaluation and review of where that money is being allocated? We can't

continue to roll over contracts when we still have women dying at the rate that they are in the Northern Territory in particular.

Ms Jenkins: We do evaluate our activities in different circumstances. I think the most recent one we had was in relation to the Family Violence Prevention Legal Service. I might just refer to my colleague Ms Powell on when that one was conducted.

Ms Powell: Obviously, there are a number of contractual processes that are taken on an annual basis where providers need to demonstrate their commitments to achieving their KPI, and we do collect data in terms of the number of clients serviced weekly across all our NIAA programs, including family violence prevention legal services. There was an evaluation, a grant activity review, of family violence prevention legal services nationally, which was completed, I believe, at the beginning of this year, but I'll just confirm that date.

Ms Broun: In addition to NIAA, DSS is at the table as well who could answer some of those questions. Thank you.

Ms Hope: You asked a range of questions. Of course, the DSS is responsible for Closing the Gap targets. I just want to get you to clarify what information we could help you with for your inquiry this morning.

Senator COX: Thank you, Ms Hope. It is in relation to ensuring that the money is actually achieving the outcomes that it is intended to. With the evaluation of where your current contracts are going to, the services that you are providing that funding to, firstly, is the funding sufficient based on the average number of particularly First Nations women dying in Territory being eight times the national average. The second part of that is the matching of that. In every other jurisdiction, except the Northern Territory, there is a family violence homicide monitoring function, a statutory function that operates. So where is the data being matched from? I don't want to see or hear the contractual obligations that the department has with their contractors telling them how many people have come through their door, when we are not seeing the outcome of saving women and children's lives on the ground being achieved. So how is the department able to provide a clear outcome, value for money, but also able to save those lives of women who are being subjected to the most horrific levels of violence in the country? My concern is that we are not doing that. We can't wait to an annual basis, Ms Hope, to review these contracts. Where is the sense of urgency to save the lives of First Nations women and children in this country?

Ms Hope: I might just hand over to my colleague Ms Lutz, who will talk you through some of the work that we are doing in this space.

Ms Lutz: There's a range of programs we fund under the National Plan to End Violence against Women and Children. Just going back to your earlier questions, the Northern Territory government receives funding under the National Partnership Agreement. I can go through that funding, or we can provide that on notice for the multiple schedules—

Senator COX: I'm happy for you to provide that on notice. I know that the chair is probably going to cut me off very shortly, so let's just save some time if we can.

Ms Lutz: We will put that on notice. The other thing we also do is fund a number of national programs, including Aboriginal and Torres Strait Islander Action Plan grants. Under the action plan, we have got four grants. So there is a range of other supports we provide to the Northern Territory and different organisations. Again, we can provide that detail on notice, if that's helpful. They include things like safe places, emergency accommodation, keeping women safe in their home, as well as those action plan grants that are going to different organisations.

CHAIR: Thank you. Senator Nampijinpa Price.

Senator NAMPIJINPA PRICE: My question is regarding the cashless debit card removal.

Ms Hope: Senator, as you'd be aware, we did traverse CDC and the cashless debit card in outcome 2 on Wednesday night, as it's a broad DSS portfolio. I don't have the officers here today, but I can help you with your inquiries as best I can, or take things on notice to come back to you.

Senator NAMPIJINPA PRICE: Certainly. Thank you. My questions are around the University of Adelaide report into the removal of the cashless debit card, which found that the impacts were mostly negative and centred around financial management, alcohol and gambling misuse, child wellbeing and welfare, safety and violence. What is the department doing to mitigate these impacts?

Ms Hope: As we said when we gave evidence on Wednesday night, there's a range of local support services that we have in place in all of those communities where the cashless debit card has been removed. As I traversed on Wednesday night with Senator Liddle, the Adelaide university report was not a causational report. That's not what it was. It was a report around the lived experience and stakeholders' experience of the removal. As I said, I

will try to help you with your inquiries today, but this is not an issue for cross-portfolio. These are broad social policy issues. I'm certainly happy to help as best I can.

Senator NAMPIJINPA PRICE: Absolutely. With regard to your comments, however, the removal of the cashless debit card has had a huge impact. The University of Adelaide report has spoken specifically to users, and I will give you some quotes from users about the impact. One said:

> Oh it felt good [when the CDC finished]. But then that's when we realised that it wasn't really good. It stopped help[ing]. Then we ended up with no money … They used to have food and stuff but now it's back to square one where they got to ask the people for food and stuff.

It's a pretty damning report. I will continue. Another person said:

> As soon as that Indue card went away, all the money, boom, party for a year … Every day is someone's payday. You shout me, I'll shout you tomorrow … So they've always got drink money … You can't stop them from spending their money.

So it's had pretty devastating impacts. I've personally visited those places that have been affected, which Minister Rishworth has failed to go back to. So I think this is a very important line of inquiry. I'll put this question to the minister. Minister, it's clear from the University of Adelaide report and my understanding from my visits to the former CDC sites that the rivers of grog are flowing again and the dysfunction and despair have returned to these communities. So why is the government allowing this to happen?

Senator McCarthy: We went to the election with a commitment to abolish the cashless debit card and to make it voluntary for those communities through the SmartCard. I understand that the University of Adelaide report on the transition from the cashless debit card made no causal link with the cessation of the cashless debit card.

Senator NAMPIJINPA PRICE: According to those comments—and they're speaking specifically to individuals affected by the cessation of the card—it's plain. It's right there written—

Senator LIDDLE: In their words.

Senator NAMPIJINPA PRICE: Exactly—in their own words. So you are telling me that the government is quite comfortable that there is such a devastating impact, as a result, on the lives of people? We're talking about people and their lives, including children who are now in a worse-off situation, and the government is pleased with that outcome because it was an election commitment.

Senator McCarthy: I'm certainly not telling you that we're comfortable about devastation, Senator Price. We would never say that, and I have not said that. They're your words. What I will say is this: we made a commitment to remove the cashless debit card because we wanted to put other factors in place. We were very aware from previous inquiries, including Senate inquiries leading up to the election, of what the cashless debit card created for families across Australia. So we don't shy away from that. We're clearly working with each state and territory jurisdiction on the area of alcohol—in particular the Northern Territory. We know there is an issue there. Do you link that to the cashless debit card? Well, that's your call. What I would say is that there's a far deeper concern around alcohol in this country than just based on a card.

Senator NAMPIJINPA PRICE: Evidently it was helping in the lives of some marginalised Australians. Minister, you've described income management like the CDC as racist and unjust. If this is the case, why keep it in the Northern Territory and remove it from the rest of the country?

Senator McCarthy: We have the BasicsCard in the Northern Territory.

Senator NAMPIJINPA PRICE: It's income management.

Senator McCarthy: We have BasicsCard in the Northern Territory. We have not removed that. We know that communities have asked for that. The cashless debit card is a secondary step. We knew that, with the high percentage of people's income being withheld, it was incredibly difficult for families for survive on that. This was the basis of why we took to the election the removal of the cashless debit card.

Senator NAMPIJINPA PRICE: In your words, you said it's been racist and unjust. So what is racist about the cashless debit card that is not racist about the BasicsCard, if they're both forms of income management?

Senator McCarthy: It's voluntary. The cashless debit card never was.

Senator NAMPIJINPA PRICE: So that removes the racist element from it?

Senator McCarthy: Absolutely. If you are forcing people across onto—

Senator Nampijinpa Price interjecting—

Senator McCarthy: No, listen to me.

Senator NAMPIJINPA PRICE: But, if it's not specified for a particular race of person, how can it be racist?

Senator McCarthy: May I finish, Senator?

CHAIR: Senator Nampijinpa Price, you asked the question. You need to listen to the answer, and then you can have the call back.

Senator McCarthy: When you're making it compulsory, that means you're forcing everyone onto a program that they may not wish to do. When you enable people to volunteer, if that's what they wish to do, then it gives the choice and empowers people to make their own decision. There is a distinct difference there.

Senator NAMPIJINPA PRICE: Okay. Minister, you still haven't explained what element of it makes it actually racist when it was applied to people of all backgrounds in the first place, whether in voluntary form or not.

Senator McCarthy: Predominantly because it covered First Nations people.

Senator NAMPIJINPA PRICE: But it still does.

Senator McCarthy: If you went to see our reports previously, you would see that. The difference is whether it is voluntary. I think you might need to have a look at what that word means.

Senator NAMPIJINPA PRICE: Voluntarily racist—okay.

Senator McCarthy: No, that's not correct. Chair, that is incorrect. Please refer the senator to the appropriate response to what I've just said.

CHAIR: Senator Liddle, please don't impugn—

Senator LIDDLE: Senator who?

CHAIR: Sorry, Senator Nampijinpa Price. I'm very sorry. Please continue.

Senator NAMPIJINPA PRICE: So, Minister, will you take responsibility for the violence, abuse and neglect that are once again rampant in these communities where the cashless debit card has been removed?

Senator McCarthy: Senator Nampijinpa Price, I find that question quite deliberate in its format. I think that what you need to know is that I am not responsible and I'm not to police each state and territory jurisdiction. I certainly see the violence that is around in different communities across the country, and I think it's reckless of you to actually put that question in that way.

Senator NAMPIJINPA PRICE: Minister, it is your responsibility, however, to the lives of marginalised people who are deeply impacted by the removal of the cashless debit card, so I think it's a pretty straightforward question to ask. Why are you allowing, or why is the government allowing, lefty woke ideology to stand in the way of real solutions to problems? This was a tool that was being effective.

Senator McCarthy: So that's what you're more concerned about—whether it's a lefty woke solution. Is that it, Senator Price?

Senator NAMPIJINPA PRICE: That's where you got most of your advice from in the decision to remove it in the first place. That's who you're concerned with—votes in the Prime Minister's seat.

Senator McCarthy: That seems to be more your concern than about the people themselves. You seem most concerned about leftism, by the sounds of it. Let's have a proper conversation here. We are all concerned about violence across the country in whatever form, whether it is in Indigenous or non-Indigenous communities. So, yes, we are concerned about violence broadly, but I reject your assertion.

Senator NAMPIJINPA PRICE: If you are that concerned, why would you remove a tool that was evidently, according to those who are talking about it, improving the lives of marginalised people—if that is, in fact, your actual concern?

Senator McCarthy: Well, I believe I've answered that question in regard to what we took to the federal election in 2022.

Senator NAMPIJINPA PRICE: Yes, I am concerned about lefty woke ideology, because that's what dictates a lot of this government's policy. So, yes, I will bring it up, and, yes, I think it's a mature conversation to have. My next line of questioning goes to the Makarrata Commission.

CHAIR: I will need to rotate the call very shortly, Senator Nampijinpa Price.

Senator NAMPIJINPA PRICE: Chair, I've only had 10 minutes.

CHAIR: I know, but we are really up against time.

Senator NAMPIJINPA PRICE: I understand I will probably have another five minutes to go, considering that the last half-hour block was given to the Greens. So I understand—

CHAIR: It was not half an hour. It was 14 minutes, thank you, Senator Nampijinpa Price.

Senator NAMPIJINPA PRICE: Prior to that it was also Senator Pocock, which was 15 minutes. So I am keeping time as well.

CHAIR: No, you had 15 minutes between them both, so just remember that. I can tell you—

Senator NAMPIJINPA PRICE: No, I didn't, Chair.

CHAIR: Thank you. Please continue with your questions.

Senator NAMPIJINPA PRICE: The 2022-23 budget provided $5.8 million from 2022-23 through to 2024-25 'to commence work on establishing an independent Makarrata Commission to oversee processes for agreement-making and truth-telling'. Can you please update us on how much has been spent so far on establishing a Makarrata Commission?

Ms Fulton: I think that was most recently answered at the previous estimates in response to a question on notice. I don't have a figure today, but what I would say, consistent with the last answer, is that we have essentially integrated the work into one of the branches in my division, so we're not tracking a particular expenditure. The funding that had been provided in that budget measure has been returned to the contingency reserve, so we don't have specific resourcing for work on the Makarrata Commission.

Senator NAMPIJINPA PRICE: Sorry, can you repeat that last part? I just didn't quite catch that.

Ms Fulton: There isn't specific funding with the agency presently to progress work on the Makarrata Commission.

Senator NAMPIJINPA PRICE: So there isn't. The $5.8 million is where it stood, and there's no more available than that. I think it was $27.7 million in the original commitment made. Has any more been committed from that $27.7 million?

Ms Fulton: All of that funding is in the contingency reserve, so it's not with the agency, but it remains in the budget.

Senator NAMPIJINPA PRICE: In a doorstop on 6 February, the Prime Minister was asked if he was committed to a Makarrata Commission. The Prime Minister stated:

What we're committed to is what we said during the referendum.

He then waffles on and doesn't really answer the question. Minister, is this government still committed, as the Prime Minister told the country on election night 2022, to implementing the Uluru statement in full?

Senator McCarthy: We are definitely committed to the principles of the Uluru statement: voice, treaty, truth.

Senator NAMPIJINPA PRICE: Okay. On page 26, the statement explicitly said:

We seek a Makarrata Commission to supervise a process of agreement-making between governments and First Nations and truth-telling about our history.

In his speech at Garma on 3 August, the Prime Minister stated:

We remain committed to *Makarrata*, that powerful Yolngu word gifted to the nation, for coming together after a struggle.

In an interview with *Insiders* on the ABC on 4 August, the Prime Minister stated—I'm paraphrasing his waffle a little bit here for the sake of clarity—that he remained committed to implementing the Uluru Statement from the Heart in full but that the Makarrata was merely some sort of thematic commitment of coming together in various ways. This has been a consistent theme of his remarks since the Voice to Parliament referendum was defeated. Minister, in your op-ed on 14 October you wrote:

As a government, we remain committed to the principles of truth-telling and Makarrata.

Can you confirm that the government is still committed to establishing a Makarrata Commission, which you have promised $27.7 million for and budgeted $5.8 million for?

Senator McCarthy: I can certainly confirm that we are supportive of the principles of voice, treaty, truth. We're also supportive of the Truth and Justice Commission Bill brought by Senator Cox to the Senate for an inquiry across the country, and it is important to see the outcome of that inquiry and also the submissions to that inquiry as to what the next steps should be that can guide both the Senate and our government.

Senator NAMPIJINPA PRICE: Okay. Either the government's commitment is to establish a Makarrata Commission as promised by the Prime Minister on election night and budgeted for, or it's just waffle. Which is it? Is there a commitment—an absolute commitment—to a Makarrata Commission as a body in itself?

Senator McCarthy: Senator Price, you clearly didn't hear what I just said. If you'd heard what I had said, I responded to the question.

Senator NAMPIJINPA PRICE: No, I heard. I was just trying to establish exactly whether an actual commission—

Senator McCarthy: You are making your own assertions there, Senator Price. I have said what I need to say.

CHAIR: It's time to rotate the call. Senator Roberts.

Senator ROBERTS: Thank you for appearing. I have questions on the North Australian Aboriginal Justice Agency. Does someone need to come up for that?

Ms Broun: Senator, we have got NIAA and Attorney-General's Department.

Senator ROBERTS: I don't know who to address this to.

Ms Broun: This is Attorney-General's.

Senator ROBERTS: Thank you. I'm told the North Australian Aboriginal Justice Agency, the Northern Territory's largest Aboriginal legal service, has been in turmoil in recent years. Since late 2022 there have been six CEOs appointed to the North Australian Aboriginal Justice Agency. That's in just two years. Its long-standing CEO, Ms Priscilla Atkins, was controversially sacked in February 2023, and she was found in June 2024 by the federal court to have been unfairly dismissed. The agency has suffered a chronic shortage of lawyers and other staff, leading to a suspension of the provision of legal services and almost 75 Aboriginal clients not being represented in court during the staff shortage. They are the figures I have. Minister, is Mr Hugh Woodbury, former CEO and domestic violence perpetrator, still a director of the board of the North Australian Aboriginal Justice Agency?

Senator McCarthy: Yes, he is. We were asked these questions earlier today—just to let you know.

Senator ROBERTS: How is this man able to be appointed the CEO with such a history, given the prevalence of domestic violence as an issue within the Aboriginal community? We've seen Senator Cox and Senator Nampijinpa Price both raising this issue.

Mr Worth: Senator, it is for the membership of NAAJA to appoint board members under their constitution. They are an ASIC organisation registered with the ACNC. The appointment of Mr Woodbury to chair that board was made by the board without the knowledge or permission sought by the NIAA. Subsequent to that, Mr Woodbury has resigned as chairman of the board. He remains as a director of NAAJA as is allowed under the terms of the regulator for that organisation, being the ACNC, under the terms of the Commonwealth's funding agreement. Given that Mr Woodbury is not directly involved in the management or service delivery in his capacity as a non-executive director, consent from NAAJA is not required from the Commonwealth for him to hold that position.

Senator ROBERTS: Minister, it seems pretty unusual for us to be asking the taxpayers of Australia to be giving money to such an entity. What is the state of Commonwealth funding to the agency? There's been talk of refunds, stopping money, audit and misspent money.

Mr Worth: Since December last year the NIAA has had in place a grant controller managing the funding provided by the NIAA to NAAJA. Under the scope of that arrangement the grant controller reviews the expenditure from NAAJA in relation to those funded programs. When they are satisfied that sufficient evidence has been provided, they release funds to NAAJA. So it's tightly controlled. All of the standard performance management and performance reporting requirements that exist within our contracts continue. So, again, they need to be meeting both the performance standards and requirements of the contract as well as having the additional scrutiny provided by the grant controller to ensure that there's clear alignment between the expenditure and the funds that have been provided.

Senator ROBERTS: I missed the earlier part of your answer; I was looking down here. Where does the grant controller, the grant manager, fit in the scheme of things, in the hierarchy?

Mr Worth: The grant controller is an external firm that's been appointed to manage those funds. They act on behalf of the NIAA, but they are an independent body and they effectively sit in between the NIAA and NAAJA, as I said before, to ensure that NAAJA is applying the funds appropriately in line with the contract.

Senator ROBERTS: So we've got the taxpayer giving money to the government, giving money to the NIAA, giving money to the grant controller—the grant manager—who then authorises the money to go to NAAJA.

Mr Worth: To be released—effectively the grant controller acts as a trustee of sorts in terms of just holding and releasing the funds once the evidence has been provided.

Senator ROBERTS: There are a lot of people in the chain. Is the Commonwealth funding of $80 million over five years ending in 2025 still the plan, or is this sum being reviewed?

Ms Harvey: The Attorney-General's Department is responsible for legal assistance funding. Through the National Legal Assistance Partnership, which is in place from July 2020 until the end of June 2025, we provide funding through to the Northern Territory government that then provides funding through to NAAJA as well as its legal aid commission and other bodies. So that funding is in place until the end of June next year.

Senator ROBERTS: Has this sum been reviewed? It is still in place, but what about the future?

Ms Harvey: Has the funding been reviewed?

Senator ROBERTS: Yes.

Ms Harvey: There has been a broad review of the National Legal Assistance Partnership which was handed down earlier this year, but in terms of the funding to the Northern Territory there are conditions within the National Legal Assistance Partnership that they meet those milestone events and we release the funding to the Northern Territory. They then separately have a contract with NAAJA, for example, which have their own conditions in there.

Senator ROBERTS: Is the Commonwealth still seeking a reimbursement of some unspent funds, as I have been led to believe?

Ms Harvey: The Northern Territory, I think, has been in contact with NAAJA and are working that through, in terms of their unspent funds.

Senator ROBERTS: They're what?

Ms Harvey: The funding for legal assistance goes through the Northern Territory government, so they have the relationship with NAAJA about that funding including any underspends that there might be.

Senator ROBERTS: What's the amount being sought? Does anyone know?

Ms Bogaart: Being sought in underspends?

Senator ROBERTS: Unspent money back.

Ms Bogaart: The Northern Territory government is responsible for that under their grant agreement, and they're working that through with NAAJA. I think they're in a negotiation about what that amount looks like.

Senator ROBERTS: So that's been given to the Northern Territory government, another entity in the chain, and that's been given to NAAJA, and NAAJA and the Northern Territory government are now haggling over the unspent money. Is that right?

Ms Bogaart: They're working through the amount and what, if any, can be retrieved back by the Northern Territory government.

Senator ROBERTS: Minister, what has been the outcome of audits of the agency?

CHAIR: I'll need to rotate the call, Senator Roberts.

Senator McCarthy: I'll refer to Mr Worth.

Mr Worth: The audit is currently being finalised, so at this stage there is no outcome. We're looking to have it finalised by the end of the year.

Senator ROBERTS: Can you tell me about the nature of the audits: the scope, the purpose, the deadlines?

Mr Worth: The scope itself, yes. The auditor is reviewing expenditure for the 2022-23 financial year, both the application of funds received for the 2022-23 financial year through the national legal services funding as provided by the Northern Territory government as well as the NIAA funding.

Senator ROBERTS: Was that after Ms Priscilla Atkins was controversially sacked?

Mr Worth: Correct.

Senator ROBERTS: Thank you.

CHAIR: Senator Nampijinpa Price.

Senator NAMPIJINPA PRICE: I will go back to the makarrata commission line of questioning. I just want to get a clear clarification. Minister, can you confirm the government will not establish a makarrata commission, despite it being an election promise?

Senator McCarthy: What I will confirm, as I have on the record already at this estimates and previously, is that we support voice, treaty, truth and we are in the process as a Senate of awaiting the inquiry of truth-telling. Then we'll be able to see where we go from there.

Senator NAMPIJINPA PRICE: So it's on the cards pending the inquiry?

Senator McCarthy: I'm not sure if that was a question or a statement.

Senator NAMPIJINPA PRICE: It still remains part of your commitment pending the inquiry. Is that correct?

Senator McCarthy: We remain firmly committed to the principles of voice, treaty, truth. We've not walked away from the Uluru Statement from the Heart.

Senator NAMPIJINPA PRICE: I understand that element, but I'm just wondering if you've walked away from the commission itself?

Senator McCarthy: I've answered that question.

Senator NAMPIJINPA PRICE: A simple yes or no.

Senator McCarthy: I've answered the question.

Senator NAMPIJINPA PRICE: Yes or no?

Senator McCarthy: You may not like the answer, but I have answered the question.

Senator NAMPIJINPA PRICE: Well, I don't think you have because it is no clearer for the Australian people. But that is the government's prerogative. Minister, I'd like to turn to the response to question on notice NIAA256. This term of parliament has featured various sagas of the Prime Minister and different home affairs and immigration ministers discussing legal advice. Indeed, the Solicitor-General's legal advice regarding the Voice was published. Do you stand by this response?

Senator McCarthy: Sorry, could you repeat the question?

Senator NAMPIJINPA PRICE: Again, with regard to—

Ms Broun: Sorry, Senator, are you referring to a particular question on notice there?

Senator NAMPIJINPA PRICE: Yes. The NIAA question on notice 256.

Ms Broun: We are just getting that. Thank you.

Ms Guivarra: Sorry, Senator, can you repeat your question?

Senator NAMPIJINPA PRICE: With regard to back and forth, to-ing and fro-ing—with regard to discussing legal advice and the Solicitor-General's legal advice around the Voice, it has been published within your question. Your answer provided was that the long-standing practice of government is not to disclose whether it has sought legal advice on a particular matter. Do you stand by this response?

Senator McCarthy: I do..

Senator NAMPIJINPA PRICE: Within the government guidelines that I have here on questions asked in relation to whether legal advice was sought or not, it is proposed by your government that a simple indication as to whether legal advice was sought after should be able to be provided despite the response to your question. That's your own government's advice.

Senator McCarthy: I'm not sure what the question is, other than the fact that we're just repeating what's been in a question on notice.

Senator NAMPIJINPA PRICE: Basically, in asking, I'd like to understand whether this government has sought legal advice in relation to federal implications of any state treaties. Have you sought legal advice on that matter?

Senator McCarthy: Well, the long-standing practice of government is not to disclose whether it has sought legal advice on a particular matter.

Senator NAMPIJINPA PRICE: That's not according to your government's own guidelines.

Senator COLBECK: That's actually not correct. You don't have to tell us what the legal advice says—

Senator NAMPIJINPA PRICE: I'm not asking for the content of the legal advice, just whether you've sought it.

Senator COLBECK: but we're entitled to ask whether you've spent taxpayers' money on legal advice.

CHAIR: Please ask questions in an orderly way. The minister has a question before her. Please give her an opportunity to answer it.

Senator McCarthy: I will ask the agency to respond in terms of your questions around legal advice.

Ms Guivarra: Senator, I can just repeat what the minister said in relation to the practice. I know that you are referring to a guidance, but—

Senator NAMPIJINPA PRICE: Let me clarify. The question that was put was: has the government had any legal advice as to the federal implications of any state treaties? The answer on notice that was provided was:

The longstanding practice of government is not to disclose whether it has sought legal advice on a particular matter.

But, according to the government guidelines for official witnesses before parliamentary committees and related matters, this is not so. On the question as to whether legal advice has been sought, it is not a longstanding practice not to disclose that. The longstanding practice is on the content of that legal advice sought. So, going back to that question, I would like to understand whether the government has sought any legal advice as to the federal implications of any state treaties.

Senator McCarthy: We will take that question on notice.

Senator NAMPIJINPA PRICE: Thank you. In that case I will now go on to questions around—

Senator LIDDLE: Can I just ask a question on the Voice, please. You have outlined your commitment, Minister, to the principles of the so-called Uluru Statement from the Heart. I just want to understand: are you actually funding any elements of that commitment through NIAA, such as a youth voice?

Senator McCarthy: Sorry, when you said 'so-called', can you just repeat that question.

Senator LIDDLE: I actually prefer not to repeat that because there is an issue around the use of that word. What I'm asking you is: did you say that you support the principles of that? What I'm wanting to understand is this. Does that also mean that your funding currently principles related to the first element in the Voice, which was resoundingly voted down by the Australian public? Is there a youth voice set up that is funded? Is there anything funded by NIAA that relates to the Voice concept which was voted down?

Senator McCarthy: Now I understand your question, Senator Liddle. We took the Voice to the Australian people. It was voted down. There is certainly no funding going towards the Voice. If there is, it would not be from the federal government. I will stand corrected if I find other agencies or departments are doing anything, but I can categorically say the NIAA is not.

Senator LIDDLE: Thank you.

Senator NAMPIJINPA PRICE: My next questions relate to the 10-year remote housing initiative. Has the housing agreement changed with the change in the Northern Territory government at all?

Ms Persson: Since the new agreement came into effect on 1 July?

Senator NAMPIJINPA PRICE: Correct.

Ms Persson: No.

Senator NAMPIJINPA PRICE: It's still continuing as is?

Ms Persson: Yes.

Senator NAMPIJINPA PRICE: How much progress has been made on this? How much money has been spent to date and on what?

Ms Persson: The NT government has commenced delivery under the new agreement. We won't receive the first milestone payment claim until February next year. So the first claim covers will cover the period from 1 July to 31 December.

Senator NAMPIJINPA PRICE: So nothing has started yet in terms of replacement homes?

Ms Persson: Yes, they commenced on 1 July.

Senator NAMPIJINPA PRICE: Where are we up to so far with that? How many homes have they begun work on?

Ms Persson: Under the agreement the commitment is to deliver up to 2,700 houses over the 10-year period, and the NTG is expecting to deliver 270 houses in the first year. Under the federation funding agreement, there is a requirement for the NT government to report every six months, so we won't receive those figures until early next year.

Senator NAMPIJINPA PRICE: That's 2,700 all up. That's about $1.5 million per home under the agreement?

Ms Persson: In the first year the estimated cost per home is $870,000 to build a three-bedroom house, and that includes infrastructure, accessibility, household cooling and external yard work.

Senator NAMPIJINPA PRICE: The figure of $4 billion over 10 years for 2,700 homes is roughly $1.5 million per home. You're saying $800,000. Where is the excess going?

Ms Persson: There are two elements to the agreement. The first one is the construction of the 2,700 homes. The second element is the delivery of property, tenancy and management services as well.

Senator NAMPIJINPA PRICE: Thanks for that. I've got some more questions, but in the interests of time I might put those ones on notice.

CHAIR: Thank you.

Senator THORPE: This happens every estimates. We always run out of time and it is always last minute, but there is no justice, no peace. I have some questions about housing, on the Housing Policy Partnership of the two grant payments paid to NATSIHA, the new peak body—because Labor love their peak bodies and taking away self-determination from the people on the ground—totalling $2.2 million. What is the money being used for?

Mr Flavel: Are you talking about the grant from DSS for the Housing Policy Partnership?

Senator THORPE: I'm talking about the $2.2 million that went to NATSIHA on the Housing Policy Partnership. That was my question.

Mr Flavel: Those funds are used by NATSIHA to support secretariat services for the HPP, the Housing Policy Partnership, and other meeting costs like rooms, accommodation, flights for community members to attend and other costs in preparation that they might have.

Senator THORPE: So admin and flying around is $2.2 million?

Mr Flavel: What I should point out is that is the money that NATSIHA has received. Of course, that's not the amount of money that has been spent over that period.

Senator THORPE: I'm asking what has the money been used for.

Mr Flavel: I've told you what it has been used for.

Senator THORPE: So it is flights, meetings and admin.

Mr Flavel: Amongst other things that support the partnership—that's correct.

Senator THORPE: So what are the targets in the funding agreement with NATSIHA? Have any of those targets been met?

Mr Flavel: There aren't targets per se. There is a requirement for them to acquit the funding they have used, and the grant agreement specifies the things that they are able to use it for in relation to the Housing Policy Partnership.

Senator THORPE: So no targets for housing?

Mr Flavel: I'm not sure what you mean by 'targets'.

Senator THORPE: In terms of the funding agreement, besides not rorting the money and buying a house or a boat, what are the targets of that organisation? What are the targets as part of the funding agreement?

Mr Flavel: There are no targets because—

Senator THORPE: What are they meant to do from the government perspective besides fly around and have meetings and admin?

Mr Flavel: As I have said, those funds are for their role as the co-chair of the Housing Policy Partnership. It includes those things. The grant agreement spells out what it can be used for. That is of course different from the ordinary costs that NATSIHA incurs as an entity which NIAA is responsible for in terms of providing some funding for them. It is only in relation to the operation of the Housing Policy Partnership.

Senator THORPE: The Housing Sector Strengthening Plan sets out specific actions with timelines. Can you advise us of the status of the plan and provide an update on its implementation.

Mr Flavel: Certainly. The progress has probably been slower than expected.

Senator THORPE: What do you know!

Mr Flavel: I think that reflects a few things. Firstly, NATSIHA has only commenced as a peak body in the last period.

Senator THORPE: I'm aware of that.

Mr Flavel: In terms of their role in driving some elements of that, they are a body of fewer than 10 staff. We have a very good relationship with them, but they are small and starting off a low base. So I think there is a need for them to grow. The other thing is that of course it requires commitments across different levels of government. So a number of the actions also involve the states and territories providing commitments to that plan, things like—

Senator THORPE: Could I ask for that on notice, if you don't mind. Could you set out the detailed actions with the timelines on notice—

Mr Flavel: Yes, I can.

Senator THORPE: just in the interests of time. Thank you. I understand NATSIHA have developed a work plan for the implementation of the plan, but they haven't been funded to deliver it. Is that right?

Mr Flavel: Yes. At this stage there has been no additional funding committed, but there are ongoing discussions with them about potentially scaling that bid to better recognise the fact that as a small entity there is going to be a need to do that in a staggered way and also to ensure that any funding provided is met with the commitments that the states and territories have made, which in some cases involve things like moving property to community controlled organisations. That allows them to scale up. So it's not just about money for NATSIHA but actually about a range of commitments that drive an increased workforce, building the community controlled sector and some other things that will be delivered.

Senator THORPE: We are the most homeless people on our own land, stolen land. We're homeless. The homeless rate of our people is off the charts. We have elders sleeping at bus stations. You know the walker for old people that they use as an aid? I have seen it myself—elders sleeping on a bus stop with a walking frame. It has been over two years and we have a new peak body, another peak body to take away our voices, and yet we still have no outcomes for the housing crisis, hence why nothing has been contributed to closing the gap, which is gammin anyway. So why hasn't the government funded the implementation plan, given we are the most homeless people on our own land? It is our home, yet we are homeless. What are you doing if it has been over two years?

Mr Flavel: If you look at the latest report in terms of the census data on target 9a, which is reducing the extent of overcrowding, the majority of jurisdictions have had a positive development over the last five years. And, for the two jurisdictions that haven't, they were already above the target that's outlined in the Closing the Gap agreement and the targets set under target 9a. The government also cited—

Senator THORPE: We know the target. I'm into action. Sorry, Chair. I always get in trouble. I know you've got to have meetings and consultations, but the colony has been here for 250 years. Today, in this country, we are the most incarcerated people, the people most without a home, with the most suicides and with the most children removed. I know you've got to do your bureaucratic process, but our people want action. This peak body has been around for two years. They've done some work. You've given them some money to trip around and have some meetings, but youse haven't given any money for implementation. Where are your priorities at?

Mr Flavel: Funding for NATSIHA of course doesn't deliver better outcomes for Indigenous people in terms of reducing levels of homelessness and getting people into more appropriate housing. The government signed a new national agreement on social housing and homelessness in the middle of this year. That actually identifies Aboriginal and Torres Strait Islander peoples as the only priority cohort, so the former agreement. It is important, because under that agreement—

Senator THORPE: Where's the action, though?

Mr Flavel: you go to funding. The Commonwealth government has upped its commitment to homelessness funding from $127 million to $400 million a year, to be matched by the states. There are very clear accountabilities through that agreement and through the establishment of partnership bodies in each state and territory to ensure that the funding under that agreement, both in respect of homelessness services and social housing, is actually going to where it needs to go. I don't think that it is fair to say that funding for NATSIHA or for a sector strengthening plan is the sole way in which some of these issues will be addressed—

Senator THORPE: I'm just worried about our old people sleeping at bus stops. That's all. You probably don't see that.

Mr Flavel: I understand that. That agreement goes to that in a pretty substantial way in terms of the commitments around homelessness and housing generally.

Senator THORPE: I want to ask some questions around the transition from CDEP to Remote Jobs and Economic Development Program. I was told this is for NIAA, but it also involves DSS. Is that correct?

Ms Guivarra: It's predominantly NIAA. You would be aware that the government made an announcement back in February about replacing the CDEP. There was a $707 million commitment at the time to the Remote Jobs and Economic Development Program. We worked in collaboration with a number of agencies on the development of the new program. That included DSS and also the Department of Employment and Workplace Relations. There was a First Nations reference group that was established for assisting with the design of the new Remote Jobs and Economic Development Program.

Senator THORPE: Of course there is. What is the current status of the new remote employment services program, and is the new remote employment services program still scheduled to commence in July 2025 as announced in the 2024-25 budget?

Ms Guivarra: There are two phases to the proposed replacement of CDEP. One was the establishment of the Remote Jobs and Economic Development Program, and that has been the element which NIAA has been concentrating on over the past now six or seven months since the announcement by the government of the funding envelope. As I said, there have been a range of consultations that have taken place amongst communities on that. The First Nations reference group has met in the design.

Senator THORPE: You have done your Senate estimates training, haven't you?

Ms Guivarra: In addition to that, the grant opportunity guidelines in their draft form have actually been circulated a few months ago.

Senator THORPE: Just to clarify, is it still scheduled to commence in July 2025 as promised?

Ms Guivarra: I think the minister has indicated recently, in fact, that the Remote Jobs and Economic Development Program will be launched before the end of this year.

CHAIR: Last question.

Senator THORPE: Will any white organisations or religious organisations, such as CatholicCare or Anglicare, be involved in delivering services to our people? Are you paying them to work with our people like the old mission masters back in the day?

Ms Guivarra: I just want to clarify that the Remote Jobs and Economic Development Program is the first part. There are, of course, employment services as well. There was an agreement to continue CDEP providers up until that timeframe of 30 June 2025, after which there will be a new remote employment service that accompanies what happens with the Remote Jobs and Economic Development Program.

Senator THORPE: Just to follow up on that, as I understand it—and what I'm being told by community—the NIAA are paying Anglicare and CatholicCare and overlooking community controlled organisations. Is that correct?

Ms Guivarra: There was—

Senator THORPE: Yes or no.

Ms Guivarra: a decision taken recently to extend CDEP providers because of this transition program occurring up until June of 2025. I'll turn to Mr O'Sullivan just to give some more details about our current cohort of providers under CDEP.

Senator THORPE: Our people don't feel safe going to those services.

Ms Guivarra: There are currently 46 providers. There was quite a rigorous assessment process made ahead of that extension.

Senator THORPE: Of course there was. It's not working.

Ms Guivarra: Mr O'Sullivan can provide further details.

Mr O'Sullivan: Thank you for your question, Senator. I'm not aware of Anglicare being involved in the delivery of CDEP. They may be involved in the delivery of non-remote employment services, but that's managed by DEWR and DSS for disability employment services. CatholicCare NT delivers services in south-east Alice in a partnership and material subcontract arrangement with AAAC, a local Aboriginal corporation, as part of that service delivery. There's a requirement that our CDEP providers demonstrate at least 50 per cent Indigenous ownership or control. Where we do have a lead provider that may not be an Indigenous organisation—although 85 per cent of the organisations are Indigenous or local governments in their own right—they need to show that shared control, for example, through a 50 per cent controlled board working with local Aboriginal corporations or other Indigenous organisations.

Senator THORPE: That's not working. That's why I'm here asking the question. The community that are meant to be accessing those services are saying that it's like going to the mission master. We've been subjected to having religion oppress us since the invaders came on the missions. This is no different, and the issue is that Aboriginal organisations are missing out on this funding to self-determine what is best for us and our money is going to religious white organisations.

CHAIR: Senator Thorpe, you've made your point. Please continue with a question.

Senator THORPE: How much money are you giving to the religious organisations to mission manage our people?

Mr O'Sullivan: To the best of my knowledge, it's only Catholic Care that is involved as a direct provider of CDEP services. They're only the lead provider in one region. I'll just look up specific funding for you, noting that this is payments that go to them, but that would include—

Senator THORPE: Put it on notice to save time. It's just quite violent and distressing to hear that the mission masters are still in control, and you're allowing it to happen, Minister, on your watch.

CHAIR: Thank you, Senator Thorpe. Senator Nampijinpa Price.

Senator THORPE: They're your mates.

Senator McCarthy: Chair, could I just have a chance to respond to that.

CHAIR: Yes, Minister.

Senator McCarthy: It's offensive for those who are Catholics across the country to feel—

Senator THORPE: It's not against them.

Senator McCarthy: It is. Your commentary—

Senator THORPE: No. You misheard me. I'm going back to the mission days and asking what is different today.

Senator McCarthy: has been absolutely rubbish. You know what, there are people—

Senator THORPE: She has got it wrong.

Senator Stewart interjecting—

Senator THORPE: Who asked you?

Senator McCarthy: in Santa Teresa who are very proud of their Catholic faith. There are people in Daly River who are very proud of—

Senator THORPE: People have been violated from the churches as well—

Senator McCarthy: their Catholic faith. There are people in Wadeye who are very proud of their Catholic faith.

Senator THORPE: and they're telling me they don't feel safe.

Senator McCarthy: There are people in the Tiwi Islands, who will also be present here today—

Senator THORPE: They're telling me they don't feel safe.

Senator McCarthy: who are very proud of their Catholic faith.

Senator THORPE: Shows how much mob you talk to on the ground.

CHAIR: I'll suspend the proceedings.

Proceedings suspended from 12:39 to 12:39

CHAIR: Senator Nampijinpa Price.

Senator NAMPIJINPA PRICE: My next lot of questions will go to the Better, Safer Future for Central Australia. I want to know how much of the $320 million for the better, safer future has been spent, and, on notice, can I have that broken down by amount, grant, recipient, purpose, completion date and departmental funding source?

Mr Matthews: We can actually give you that detailed table. I won't go through all that because that then will take a long time. The original $342 million includes the original $3 million package that was put out. That is fully expended and been paid out in 2022-23 and 2023-24. That funding has been paid out and spent. The $48.8 million package was announced in January. All of the funding of that that was in the 2022-23 financial year has been allocated and paid. For 2023-24, pretty much all of that funding is paid. There's one, I think, just waiting on a final milestone. It's about $1 million out of that funding; it's a small component of that funding. There's about a further $20 million of that to be allocated across 2024-25 and 2026-27, and we're on track for expenditure in 2024-25 out of that funding. Of the $250 million package, all of the funding provided in 2022-23, which from memory was about $7.5 million, has been paid.

In 2023-24 I think we ended up with around about $52 million, $53 million or $54 million that has been paid out, which is the majority of that. About 9 million was rolled over to this financial year, mostly for infrastructure works and timing of delivery for those on there. We're reasonably on track, I think, for 2024-25 of the $71 million or so we have. We're about $23.6 million paid and reasonably well on track for that. Then there's further funding obviously in the out years over that four-year plan, but we can give you that other sub-detail on notice in the table as well.

Senator NAMPIJINPA PRICE: On notice if you could, thank you.

Mr Matthews: Yes. Sure.

Senator NAMPIJINPA PRICE: Is the Alice Springs Town Council eligible to receive funding under this program?

Mr Matthews: Yes, they are. If you remember some of the discussions around the Summer in Central Australia plan last year, we funded the Alice Springs Town Council through one of the components there for some of the summer activities through that. We're currently talking to them about activities over the upcoming summer period and holiday periods as well. So yes. They also received funding through one of the earlier packages for security fences, lights and the CCTV works, which was about $2.8 million.

Senator NAMPIJINPA PRICE: I've got some questions around the Central Australian Regional Controller. Is Dorelle Anderson still the Central Australian Regional Controller, to begin with?

Mr Matthews: Yes. Our understanding is that—obviously, it's something we're talking to the new government about—Dorelle Anderson still retains that role amongst her responsibilities in the Northern Territory government.

Senator NAMPIJINPA PRICE: Can I get a reminder of when she was first engaged and did her agreement with the Commonwealth preclude any other employment?

Mr Matthews: No. We don't fund the Central Australia Regional Controller. She is remunerated and employed through the Northern Territory government. It's not a position that is funded or established from the Commonwealth government. The government supported that position, but it is funded and engaged by the Northern Territory government. We don't provide any funding to the office of the Central Australia Regional Controller.

Senator NAMPIJINPA PRICE: You don't fund that position?

Mr Matthews: No; we do not. It's a Northern Territory government position.

Senator NAMPIJINPA PRICE: You don't fund it. The Territory government funds it, but she has oversight over the distribution of the $350 million.

Mr Matthews: She certainly has a role in providing advice to both levels of government about Central Australia and Central Australia plan, but she doesn't have the delegation over the funding, if that's what you're referring to, Senator. She doesn't have a decision-making power over the funding.

Senator NAMPIJINPA PRICE: She doesn't coordinate the hundreds of millions of dollars. She doesn't have power over that?

Mr Matthews: No, she provides advice to both—

Senator NAMPIJINPA PRICE: It is simply an advisory role; is that correct?

Mr Matthews: Yes, it provides coordination in advisory roles to levels of government but doesn't have delegation over the funding. It is not a decision-making body over the Commonwealth funding. If the funding outside of the plan is provided by the Northern Territory government, she may, but that's not an issue if that's not part of the Central Australia Plan funding.

Senator NAMPIJINPA PRICE: I have to say, question on notice 151 says that the controller received $7.5 million from the Commonwealth.

Mr Matthews: No. I have to check the wording for that. I'm not sure if I have got that. Someone in my team probably can pull that up for me. But the $7.5 million is a component of the $250 million that was provided for, effectively, the delivery of the Central Australia Plan and is in effect departmental funding to the National Indigenous Australians Agency, which funds the team inside in the National Indigenous Australians Agency that coordinates the delivery of that plan both for their funding disbursed by the National Indigenous Australians Agency and then coordinates the efforts of the broader Commonwealth.

Senator NAMPIJINPA PRICE: Can you just clarify, because the question was: how much funding is being provided to the office of the Central Australian Regional Controller? Can you provide a breakdown of the funding, travel costs, administration or staffing? What is being provided by the NT government and when is this arrangement due to cease? And the answer was:

The office of the Central Australian Regional Controller is being jointly supported by the Territory and Australian governments. The NIAA is funding Australian government staff, including the associated oncosts and the costs of their co-location in Alice Springs and participation in OCARC consultations. This has been funded from the 7.5 provided.

Mr Matthews: That is basically our team. Obviously we work very closely with the Northern Territory government on this in particular.

Senator NAMPIJINPA PRICE: It is a matter for the Territory government.

Mr Matthews: Yes, so her costs and her staff and that office is entirely funded from the Northern Territory government. We of course have a team that works in Alice Springs and works very closely with the Northern Territory government, so of course we have kind of an effort in kind, if you like, where we work and coordinate with them and with Ms Anderson's team and the Northern Territory government broadly. So that's what that answer is referring to. But we don't physically provide any funding to the office of the Central Australia Regional Controller or the Northern Territory government for that function.

Senator NAMPIJINPA PRICE: Okay. You've got some follow-up questions.

Senator LIDDLE: I'd like to ask some questions about the Central Australia Aboriginal Leadership Group members. You can just tell me yes or no, except on the last one, which I assume is a no. Do these organisations receive any money under the Central Australia Plan: The Central Land Council?

Mr Matthews: Off the top of my head I don't think we fund the Central Land Council anything. I don't think they receive anything.

Senator LIDDLE: No programs?

Mr Matthews: My team will probably tell me if I'm wrong, but I don't—

Senator LIDDLE: You have to tell me if you're wrong and before we finish, please. Lhere Artepe?

Mr Matthews: Lhere Artepe we fund for the community patrols.

Senator LIDDLE: Congress? Central Australian Aboriginal Congress?

Mr Matthews: I think they have funding for their youth assessment teams for the FASD.

Senator LIDDLE: I don't need to know; I just need to know that you fund them. Central Desert Regional Council?

Mr Matthews: Yes, they have received funding.

Senator LIDDLE: MacDonnell Regional Council?

Mr Matthews: Yes, they will for [inaudible].

Senator LIDDLE: Alice Springs Town Council?

Mr Matthews: Yes, I think we just covered that.

Senator LIDDLE: Strong Grandmothers Group?

Mr Matthews: No.

Senator LIDDLE: Tangentyere Council?

Mr Matthews: Yes.

Senator LIDDLE: And the last one was the youth representative. Does that leadership group have any role at all or oversight of evaluation and reporting of the Central Australia Plan?

Mr Matthews: We have an evaluation underway of the Central Australia Plan. We have just engaged a provider to come in and do an independent valuation of the Central Australia Plan, which is—

Senator LIDDLE: I have just asked you whether they have any role in the evaluation.

Mr Matthews: I just want to explain the role, so I want to kind of cover that actually—

Senator LIDDLE: You don't need to tell me about consultants.

Mr Matthews: Sure. We have an evaluation on hand and we brought somebody in. As with all elements of this, we have consulted the Aboriginal Leadership Group in the design of that evaluation, and they provided their advice into that, but the decisions on the design of it and the decision to fund and the engagement, the process and the conduct of the evaluation will be done by the department and through that, so they don't have a direct role in the evaluation. They will be consulted, but they don't have a direct role in undertaking the evaluation.

Senator LIDDLE: So they don't get any role and any feedback they provide doesn't necessarily go back to a draft report. We have seen this in the cashless debit card report. Where directions are given to dilute some of the terminology and some of the feedback, they don't have any role with regard to any changes to that document?

Mr Matthews: We haven't got a document yet, because obviously the evaluation is just starting. But they will be consulted through the evaluation, but they are not the decision-makers of the evaluation.

Senator LIDDLE: So who are you consulting more broadly than just them?

Mr Matthews: We will obviously consult the Aboriginal Leadership Group. We will talk to other stakeholders through the region. We are intending to do some case studies and visits for community and community members as well. Consideration of the evaluation takes a broad range of factors into play.

Senator LIDDLE: How will you make sure that group, which is quite a large list, that is getting a significant amount of funding isn't checking off on its own homework as part of that reporting and evaluation?

Mr Matthews: Well, by having an independent evaluator; that is probably the prime thing. Obviously that's why we bring in an independent organisation to fund—

Senator LIDDLE: Who is that independent organisation?

Mr Matthews: It is a company called Inside Policy, which is an Indigenous owned organisation that specialises in evaluations.

Senator LIDDLE: Where is that company? Where is that organisation from?

Mr Matthews: I'm not sure where they are from. I think they do a little work with the Commonwealth. I think they are based in the ACT, off the top of my head.

Senator LIDDLE: Okay. That's fine. Have you got any advice or any reporting from that particular group that you are able to share?

Mr Matthews: Not yet. We engaged them maybe about six weeks ago. We have sort of gone through and engaged them. So they are at the formative stages and it will go through ethics. We are looking to have that report in about the middle of next year, which will take us to about the halfway mark of the four years. Then we will have to probably consider something towards the end of the four-year period as well.

Senator LIDDLE: Given that this was all about community safety for everyone in Central Australia, how have you asked the evaluators to determine whether it is safer? Will they use the current police data across all areas of crime and harm?

Mr Matthews: Yes. We will look at that. They will take into account that broader data.

Senator LIDDLE: Yes, because it is getting worse. It is getting worse month on month.

Mr Matthews: Some indicators may be. There are also other indicators that are more positive than that.

Senator LIDDLE: Whether your property is getting damaged or whether you have been harmed or whether people are harmed is probably a good indicator. For the last two months it has gone backwards.

Mr Matthews: Well, maybe two months, but if you look at the long-term trend I think that the—

Senator LIDDLE: Summer is coming.

Mr Matthews: We do know that, for example, property break-ins and motor vehicle thefts are down fairly significantly from the peaks at the end of last year and lower than the previous year. That's data from the Northern Territory police; we have taken that from their open-source data. It is there, so there are those matters that, yes, obviously through Central Australia tend to go down and then go up in that peak period, but they are lower than they were.

Senator LIDDLE: You talked about a peak period. What action is being taken, given that you have said that these funds have been distributed? What action are you taking, given the statistics that I've talked about that harm to people and property is going now in the wrong direction? And we are waiting on the October stats, which I would expect to be worse heading towards summer. What have you asked those organisations to make sure that they do to prepare to prevent harm and to intervene early in potential for harm rather than being the ambulance at the bottom of the cliff that people always seem to go to?

Mr Matthews: Absolutely. When we work with the Northern Territory government, it is obviously really the aim of both governments to do exactly that. There are a range of things that we have in plan for that. Obviously we have the funding for the police that we have extended through that, which has effectively increased the police establishment in the Central Australia region, where we have managed to get an agreement that there is an establishment of, I think, a minimum of 343 police, which is a good result for the region. We have had an increase in the number of Aboriginal liaison officers in particular that the Northern Territory police are recruiting, which will significantly help from that engagement and outreach point of view. There is some further CCTV coming in to assist police.

Senator LIDDLE: Can I just talk to you about CCTV, though. In Alice Springs there is probably more security in the main centre than I have seen in an airport. You talk about police, but when you were talking about prevention and early intervention it struck me: why aren't those cameras seeing kids walking around? I saw them

with rocks in their hand after smashing 500 windows the night before. Why aren't they being intercepted there and why aren't those services that we have given $350 million to responding, intercepting those children before they get into town? It is because, if they are coming from the east side, they have to walk across the creek. You can see them a mile away, right? I'm driving past and I can see them, and I can see the rocks in their hands. Why aren't those cameras intercepting those children and those services that you have funded intercepting those children to make sure that they don't come into contact with police? The only role of the police is that the cameras are actually in the police station. That's how it should be.

Mr Matthews: Part of that is an operational issue for Northern Territory police, who obviously monitor a lot of the CCTV and so—

Senator LIDDLE: I'm talking about the services, not the monitoring.

Mr Matthews: You are talking about the CCTV. We don't monitor the CCTV. That is a function that largely is done in the watch house for NT police. Obviously a few things are done for that particular issue. Obviously we have the patrols through both Tangentyere and Lhere Artepe. They obviously meet with police before the commencement of those evening shifts and have twice-weekly meetings, what they call strategic patrol, which is to try and sort of tie that network together more effectively, where they are trying to use local intelligence about what might be coming out in doing that. There are also the youth outreach teams that basically follow up from the police radio when they are talking to the patrollers.

Senator LIDDLE: But are they talking to these services to prevent the kids from ending up with the police?

Mr Matthews: The key patrollers, the key services that will be in place overnight, are the police, the patrollers and the YORETs. Obviously they do talk to each other each day at the beginning of their shifts and twice a week through a strategic patrolling thing. They try to get a handle on which kids are going out and why, and then there is Operation Luna, which is the NT government process that exists to look at the kids that are popping up with those issues more frequently. That's where they review who has been out overnight and generally aim to follow up with those children and those families. That's the system that the Northern Territory government has put in place to do that; it is largely a Northern Territory government system that does that.

Senator LIDDLE: We are talking about only a small bunch of children. I know the minister went out and talked to a bunch of schoolkids. They are not the kids who are out there running amok. Do we know right at this point in time the small number that we are actually talking about that we don't seem to get on top of? Do we know what that number looks like?

Mr Matthews: Again, that particular data is really held by the Northern Territory government, whatever the new name is now for the department for families. As the Commonwealth we don't sit in those meetings with those individuals.

Senator LIDDLE: I'm not asking, but I'm asking for a number.

Mr Matthews: That is what the Northern Territory government does through that Operation Luna process—identify those children and act, and try to sort of coordinate services more actively.

Senator LIDDLE: How do you know how much money to put in there if you don't know that number?

Mr Matthews: We do, broadly, but it varies from time to time, and it probably depends on your definition. Part of that is a judgement about the particular kids. Then there are larger cohorts that might get kind of involved with those children. It's a difficult number, and I wouldn't want to put a number there.

Senator LIDDLE: Surely the leadership group is giving you that information as well. They would surely know.

Mr Matthews: We do get that feedback from a range of sources in the region—from the leadership group, from the police, from Territory family, from a range of providers.

Senator LIDDLE: Is it 50 kids, 100 kids, 200 kids? You don't know.

Mr Matthews: I'm not going to put a number on it.

Senator LIDDLE: We've invested $400 million and we don't know.

Mr Matthews: I think definitionally there is an issue there such that it is very difficult to put a number on it, because I think it will get picked up in places that there are X number of children in there. The number there would be—well, what is your definition? Is it the ringleaders of criminal activity, those who are going to be associated that might get involved in that and a broader set that might get drawn into that? Definitionally it's a hard question to put a specific number on. I don't think it is in anybody's interest to do that, and I don't have that number with me, so I probably can't provide it.

CHAIR: Senator Roberts.

Senator ROBERTS: Back to the NAAJA, the North Australian Aboriginal Justice Agency—I don't know how you get your head around all these acronyms!—specifically, what is the nature of the current governance of the agency?

Mr Worth: Are you seeking the current status of NAAJA's governance?

Senator ROBERTS: Governance, yes.

Mr Worth: We are in regular contact with NAAJA. We have received advice from them that they are looking to hold an annual general meeting later this month, on 27 November, in order to elect new board members.

Ms Bellenger: But they are registered with ASIC, and ACNC is their regulation body.

Senator ROBERTS: Who are the voters?

Mr Worth: The members of NAAJA.

Ms Bellenger: The members.

Senator ROBERTS: Is service delivery meeting the needs of the community? As I understand it, it's suspended at the moment. And is legal representation in court meeting the needs of accused people and in accord with the contract with the Commonwealth Attorney-General?

Ms Harvey: Throughout the time that we have been working with NAAJA coming out of the kinds of issues that they have been having for nearly two years, service delivery has been a really key focus of ours and so we have tracked it really carefully. We understand NAAJA is now back at full service delivery. For example, I mentioned we were advised by NAAJA in October this year that there are no Aboriginal people going unrepresented in criminal proceedings in the Northern Territory except by choice. I think that is a very strong indication of the service delivery having resumed.

Senator ROBERTS: So there was a suspension of the services and they have been resumed?

Ms Harvey: Yes. Toward November last year, I think, there was a temporary suspension of some services. They rebuilt through the end of last year and over the start of this year, and I think it was maybe April—

Ms Bogaart: First of April.

Ms Harvey: First of April this year they recommenced full service delivery.

Senator ROBERTS: How long were they suspended? Six months? Twelve months?

Ms Bogaart: November to April, so about six months.

Senator ROBERTS: Six months, right. Minister, community members in Queensland tell me that taxpayer funds are not reaching the communities. That's in the Torres Strait, that's in Cape York, that's in southern Queensland. Why does the government oppose full audits of Aboriginal agencies and why, in essence, does the government keep feeding the white and black Aboriginal industry of activists, consultants, academics, lawyers, bureaucrats, politicians and others who are effectively barons while ignoring the plight of Aboriginal people in communities who are not getting what they are entitled to? They're not getting the support they deserve and need.

Senator McCarthy: Thank you, Senator Roberts. If I could just ask for a breakdown of the particular agencies or departments that they're not receiving, because there are health departments going out, there are educational departments going out—

Senator ROBERTS: They're saying in general.

Senator McCarthy: Well, they're taxpayer funds.

Senator ROBERTS: The money is being hived off to the barons in the white and black Aboriginal industry.

Senator McCarthy: Alright. If you'd like to give us examples that you have specifically, Senator Roberts, but I do know that taxpayer funding goes right across Queensland—federal government funds as well as state funds.

Senator ROBERTS: So why won't you do audits?

Senator McCarthy: There are audits. The ANAO does its audits with respective organisations, certainly with the land councils that you're referring to. Questions around audits for land councils actually do occur.

Senator ROBERTS: My understanding, Minister, is that the ANAO does not do audits. It does scoping assessments, not comprehensive audits. They identify areas of weakness, but they do not do comprehensive audits.

Senator McCarthy: That is not correct, Senator Roberts, but perhaps I need to refer to those who work in the area. Mr Worth?

Mr Worth: The ANAO undertakes two kinds of audits on Commonwealth entities. The first ones are financial statement audits, which might be pointing towards the ones you're talking about with how funds are received and applied through the departments—or agencies, I should call them. The second ones are the performance audits, which are the ones that look at how effective operations, governance arrangements and things like that are and make the recommendations on their findings on those. So there are the two different types of audit.

Senator ROBERTS: Can I have a list on notice, please, of the Aboriginal and Torres Strait Islander agencies that have been audited in the last five years?

Mr Worth: Absolutely.

Senator ROBERTS: The agency, the scope of the audit and the date.

Senator McCarthy: Absolutely.

Senator ROBERTS: Thank you.

CHAIR: We'll go now to Senator Cox for five minutes and then to the coalition to close before lunch.

Senator COX: Thank you very much, Chair. Can I clarify the current rate of funding to target 14 around mental health and [inaudible] well-being?

Ms Broun: We will just get the right person at the table.

Senator COX: If I can just quickly run through this, the 888 million that is currently in the mental health budget papers over the next eight years, 22.8 million of that is for Indigenous-specific funding towards target 14. Is that correct?

Ms Field: In the 800 or so million dollars that was announced in the budget, the majority of that was for what I would say are mainstream mental health funding initiatives. There was some funding through some terminating measures for specific First Nations funding, particularly some additional money that went into NACCHO for a continued boost of mental health supports. That was around $10 million worth of funding. However, outside of that initiative we have around 235 million that we've committed, through the health portfolio, across the financial year of 2022-23, which I can update for the 2023-24 financial year on notice. A significant proportion of that goes to the Culture Care Connect Program, which is run by NACCHO. It looks at funding social and emotional well-being and suicide prevention activities that are co-designed within communities. It's run through the ACCHO sector and AMSs.

Senator COX: If you can provide that on notice for me, that would be great, given that this is one of the four targets that are in fact heading backwards. We have substantial data that approximately 30 people per 100,000 in the population—First Nations people who represent only three per cent of this population—successfully suicide. We have a lot of physical distress and psychological distress showing as self-harm for our people and communities, and to think that population could be as high as 52 people in areas of north Australia, and in my home state of Western Australia in particular, the government investment in that is dismal.

If you think about the amount of trauma that is currently circling and so entrenched in our communities on suicide and mental health, and that every side of the parliament talks about being in a cost-of-living crisis, why is the government not investing more in mental health and well-being and the prevention of suicide in First Nations communities? This has been a decade-long tragedy. In the Kimberley region alone, we are the highest population in the world of suicide—in the world, not just in Australia—and yet our governments don't want to invest in saving our lives.

What are we doing here? Why is this target going backwards with the absolute pittance of funding that is being allocated to this area which is life-saving? Are the government going to actually do something to turn this around, to change the trajectory that we're currently on? Right now we are leading our people to nowhere. Minister, are we looking at this in greater detail? These statistics are tragic. We are funding mainstream services, which are not culturally appropriate. The data and the three indicators tell us: physical and psychological distress; racism; access to health care. We already know the story. Why are we not funding to turn that around?

Senator McCarthy: Thank you, Senator Cox. Yes, I certainly agree with you in terms of the concerns that we have around the high rates of suicide. I don't have line of sight of the budget questions that you've asked, but I certainly have the responsibility with the Closing the Gap, and this is what I have raised in the couple of months that I have been in the role to really push this with the Coalition of Peaks and with state and territory jurisdictions.

Ms Guivarra: We do have a social and emotional well-being policy partnership under Closing the Gap, which in fact the Department of Health and Aged Care co-chairs with Gayaa Dhuwi as the peak partner. The partnership has identified a number of priorities that are aimed at addressing some of the issues that you've raised. It has a

work plan which includes a refreshed national strategic framework for Aboriginal and Torres Strait Islander peoples' mental health and social and emotional well-being. It's discussing a new commissioning framework, establishing a national workforce accreditation standard for SEWB and building a stronger evidence base.

In addition to the investments that Health makes in social and emotional well-being, there is, for the current financial year, around $60 million worth of funding for First Nations mental health, suicide prevention, and social and emotional well-being from NIAA. Just some examples of it: $28.9 million to 100 providers for holistic and culturally safe trauma-informed SEWB support; $22.8 million for SEWB support survivors under the stolen generations redress and healing; $5 million to a national delivery of suicide postvention service; and $5 million to deliver Indigenous mental health first aid training. They're some of the examples out of the 60 million which we support, in addition to the funding that the Department of Health and Aged Care is also providing.

Senator COX: Has that been evaluated, Ms Guivarra? Are we doing ongoing evaluations of whether this is the right place to put the money? Can you provide to me on notice how many of those organisations are actually Indigenous organisations. I'm not talking about trauma informed, because you can be trauma informed but not culturally appropriate. Again, as I said, this goes to the heart of those three key areas that the Productivity Commission has already pointed to when saying that people are not getting the service they need and we are not evaluating that, which therefore means we're not putting it in the right places and we're not achieving the outcomes we should against this target.

If we put money in the right places and we manage this to the degree that we should be, we could be saving lives. Every week I get a phone call to my office from an Aboriginal family about a suicide. Every week. I have families that coming to me as an MP's office, not as a crisis service, but that's what we're managing because there are no crisis services being funded 24/7, and the ones that are you're funding them on a month-by-month basis for them to do the work. There's no certainty in those contracts; you're not expanding any of them or building their capacity. We are seeing the impact of that in my office in Western Australia, and I'm getting calls from across the country. This is a critical crisis that we're having because of the lack of attention, because we are not taking that seriously and we are absolutely not evaluating where that money is going.

CHAIR: Thank you, Senator Cox. I'll return the call now to the coalition.

Senator NAMPIJINPA PRICE: Thank you. My next line of questioning goes to fraud and governance investigations. I'll come to the Anindilyakwa Land Council in a moment, but to begin with can you please update us on how many fraud and related investigations the NIAA has completed since June and how many new investigations are underway? If possible, and this part might need to be provided on notice, can you give a dollar figure.

Mr Worth: In relation to non-compliance reviews, to date we've finalised seven this financial year, so in the last four months. In relation to fraud investigations, we've finalised three. With the fraud investigations currently on hand, we have 18. Two of them are before the courts, four of them are with the Commonwealth Director of Public Prosecutions with briefs and the remaining 12 are active investigations at this point in time. With the frauds, we're unable to estimate the value of those because we're working through. Of the non-compliance reviews, of the total 13 that we have on hand at the moment, they are well enough advanced that we can estimate the financial implications for two of them, and that's $200,000.

Senator NAMPIJINPA PRICE: Thank you for that. Now, regarding the Bellchambers Barrett report, originally the ANAO had made 15 recommendations. The ALC accepted 14 and had reported that all but two of those 14 had been implemented. In the independent review, page 2, it summarises the 14 recommendations the ALC had accepted. However, the number of agreed recommendations in this independent report add up to 15, not 14. Can you please account for this?

Mr Worth: I can't. I am aware that there were 15 total recommendations made. I am aware that the ALC accepted 14 of them and did not accept one of them. However, the scope of the independent review was to look at all recommendations, both those accepted and those not accepted, in order to assess whether their responses addressed the issues raised within the audit.

Senator NAMPIJINPA PRICE: Are you suggesting there isn't a discrepancy?

Mr Worth: Are you referring to page 2 of the report?

Senator NAMPIJINPA PRICE: Correct.

Mr Worth: There's a table that says open for two of 14 and closed for 13 of 14. You're right; the total of those is 15. So the total of those did include the unaccepted recommendation, which effectively the ALC was dealing with as closed. That's why the total is 13. It's 12 of the accepted recommendations plus the recommendation that wasn't accepted that they had accounted for as closed, in their reporting.

Senator NAMPIJINPA PRICE: Okay. Also on page 2 it lists that the ALC had reported that two of the 14 recommendations were open. As you said, that would mean that 12 are closed, but in the report it says 13 are closed. Can you explain this?

Mr Worth: I might refer you to the more detailed table on page 7, Senator, which actually provides, recommendation by recommendation, that the ALC had reported them as being, to start with, agreed or not agreed and then whether they were closed or open.

Senator NAMPIJINPA PRICE: These are errors, however, in the Bellchambers Barrett report. Would you agree?

Mr Worth: Sorry, Senator, which area are you recalling my attention to in terms of being an error?

Senator NAMPIJINPA PRICE: What we've just discussed—the differentiation between the reporting within the Bellchambers report.

Mr Worth: We're referring to the second bullet point where they've said the reports from ALC noted closed for 13 of 14 recommendations.

Senator NAMPIJINPA PRICE: That one—and also what I pointed out to you in my previous question as well. Are these not errors of reporting?

Mr Worth: Sorry, Senator, I'm a bit confused. We've got the detailed schedule on page 7. The mathematics provided on page 2 align. I do note your point that, where they've noted closed for 13 of 14 recommendations, they have included as closed an unaccepted recommendation, whereas the 14 were accepted. I do accept it does look as though that should have been either closed 13 of 15 recommendations or, alternatively, closed 12 of 14 recommendations. But I don't believe that one error undermines the veracity of this report at all, given the detail that's subsequently provided not only in the table on page 7. But the balance of the report goes recommendation by recommendation in quite some detail.

Senator NAMPIJINPA PRICE: And the issue with the table—that's just another typo?

Mr Worth: The table on page 7?

Senator NAMPIJINPA PRICE: Page 2.

Mr Worth: The table on page 7 totals 15, so that represents all recommendations.

Ms R Jackson: Rather than it being a typo, it's just the way the information has been expressed. It possibly could have been set out differently, but I don't think it's an error.

Senator NAMPIJINPA PRICE: You don't believe that's—you've suggested that the first matter that we've discussed is a minor error and doesn't speak to the entirety of the report, but it is an error nonetheless.

Mr Worth: Again, I think it's the way the information has been presented, but I don't think it materially changes any findings in any way. Not only materially—but in any way changes the findings of the review.

Senator NAMPIJINPA PRICE: Okay. It would be better, I guess, if it were clearer. In terms of the governance of the land councils and the statutory authorities, clarity is important across all these measures when it comes to these particular areas of interest, and the appropriate reporting on behalf of these land councils is, I think, the matter of concern. I'm going to leave my questions there.

CHAIR: Thank you. We will return—

Senator COLBECK: Just before we go, there were a couple of items that—

CHAIR: Were raised for report back—yes.

Senator COLBECK: Yadu and KWY—is that information available?

Ms R Jackson: For KWC, Senator, you provided the notice—

Senator McCarthy: KWY

Ms R Jackson: Sorry, KWY; thank you, Minister. This isn't a notice of investigation; it's a notice from ORIC that this corporation will be examined. ORIC is appearing on the agenda today and can speak to this, but it's of note that this organisation hasn't been reviewed in this way by ORIC. They do periodical examinations of corporations, but they're happy to talk to it later.

Senator LIDDLE: I think we'll talk to ORIC.

Ms R Jackson: And Yadu Health are coming back.

Senator McCarthy: Can we just clarify whether there is still a question on notice for Yadu?

Senator COLBECK: You were going to try to come back to Senator Liddle's information.

Senator LIDDLE: I think it is easier if we just go back to the transcript and see what you've committed to actually provide, because there were a number of questions and a fair bit of data.

Mr Exell: Sorry, we couldn't hear the question from up the back.

Senator LIDDLE: There was a bit of information that was asked, and there was a commitment given to provide that information. If you haven't got it now so that you can provide to the secretariat, could you please provide it, and go back to the *Hansard* to find out exactly what you committed to.

Mr Exell: I recall the request around whether the $560,000 had been provided. I can confirm it has not been provided. And there were other elements that I think we took on notice as well.

CHAIR: Thank you. I would like to thank all of the cross-portfolio agencies for their appearance today, and the NIAA. We're very grateful for your participation in estimates. We will return after lunch with the land councils. We are also able to release now AIATSIS, because those questions will also go on notice. So we will hear from ORIC, Aboriginal Hostels Limited and the Northern Territory Aboriginal Investment Corporation after the afternoon tea break.

Proceedings suspended from 13:25 to 14:18

Anindilyakwa Land Council

Central Land Council

Northern Land Council

Tiwi Land Council

CHAIR: We will now resume. Thanks, everybody, for joining us this afternoon. It's terrific to have land councils from the Northern Territory represented in our Senate estimates, as legislated agencies but also in particular as cultural representation within our parliament for your very distinct communities and regions. Your visibility and representation here are incredibly important. We have with us today the Anindilyakwa, Central, Northern and Tiwi Land Councils. I welcome the CEOs: Colin Wakefield, interim CEO of Anindilyakwa Land Council; Les Turner, CEO of the Central Land Council; Jessie Schaecken, interim CEO of the Northern Land Council; and Brendan Ferguson, CEO of the Tiwi Land Council. In particular, I also want to acknowledge all of the members of the land councils, who are elected and bring distinct representation for their communities within the land councils. We're going to move to opening statements, and we will start with Anindilyakwa Land Council. I understand that the deputy chair, Ida Mamarika, and the chair, Cherelle Wurrawilya, will do a short joint statement.

Ms Mamarika: Good afternoon, senators.

Ms Mamarika then spoke in Anindilyakwa language—

Ms Wurrawilya: Good afternoon, senators. First, I would like to acknowledge the traditional owners of the land on which we meet today. I would also like to pay my respect to elders past and present. I am honoured to be here today on my fourth trip to this beautiful Ngambri and Ngunnawal country. Today with me I have my colleagues, Colin Wakefield, ALC interim CEO; Ida Mamarika, ALC deputy chair; Mr Bara and Ms Bara, ALC board directors; and Shoshana Hill, ALC legal manager.

In September the new ALC board elected me as the new chairperson of the Anindilyakwa Land Council. I will speak for my people. I will be strong in my decision-making and lead the ALC in the right way. I will do everything in my power to stand strong for and with my people. I don't work for myself; I work for my people. The new board acted strongly. Mark Hewitt is gone. The new ALC are here in Canberra and back in Angurugu, Umbakumba and Milyakburra.

The new CEO recruitment is coming and will be done in the right way. I want to share that we know the NACC are investigating and doing their job. I don't have the answers or what the outcome will be, but the ALC will support NACC to do their job, and we will continue to do ours. My managers are working closely with the NIAA to resolve the governance issue identified by ANAO. We have had a tough year. Cyclone Megan has had a big impact. We have faced many difficult times: redundancy, media pressure and some big decisions. But, despite these challenges, we want to look forward now, not backwards. The new ALC board looks forward to a fresh start, getting on with the important functions of the Anindilyakwa Land Council and delivering for the Anindilyakwa people. Thank you, Senators.

CHAIR: Thank you, Ms Wurrawilya, on behalf of the Senate. We will now invite the Tiwi Land Council, Helen Daiyi or Leslie Tungatalum.

Ms Tungatalum: I just want to say thank you for us to come here and pay our respect to the elders, past and present, in Canberra. My name is Leslie Tungatalum. I am the chair of the Tiwi Land Council, and I am proud to be here on the 50th anniversary of my father, Hyacinth Tungatalum, being elected to the Northern Territory parliament—the first Indigenous Australian to be elected to a state or territory parliament. I'm proud to be here continuing his legacy and taking a leadership role with the land council. I aim to make a difference for future generations of the Tiwi people. I'll hand over to my niece, Helen Daiyi, to deliver the opening statement.

Ms Daiyi: Good afternoon, committee members. Over the past two years the Tiwi Land Council has been attending Senate estimates with the consistent message that we are rebuilding and strengthening our organisation, and we are proud of the progress that we have made. We have implemented a new method of choice and terms and conditions of membership. We now have a council that is reflective of Tiwi people, with equal numbers of men and women and representation of our eight land-owning groups. Our council has endorsed new meeting rules and a stronger conflict-of-interest policy. We have developed a framework to define the responsibilities and operation of our accountable authority. We have recently re-established our executive committee to improve the effectiveness and efficiency of our decision-making. We have worked with an external provider to develop a comprehensive risk-management framework. We have reviewed staff position descriptions and restructured our operating model. We have documented and are in in the process of embedding key operational policies, including procurement, recruitment and work, health and safety. Through these and many other changes, we have fully or substantially implemented all recommendations delivered by the Australian National Audit Office, the Commonwealth Ombudsman and Ernst & Young in their respective reviews.

The journey that we're on from here is one of continuous improvement, embedding this reform and consolidating the renewed trust of Tiwi people. With the important foundations of our organisation stabilised, we are now focusing on delivering outcomes for Tiwi people. The key priorities identified by our council members who represent the eight Tiwi clan groups are culture, country and community. To ensure that we have oversight and input across all three domains, the Tiwirrampila cultural committee is now embedded within our governance structure. We are transitioning the Tiwi Indigenous protected area, IPA, committee, into a formal subcommittee of the land council, and we are taking on responsibility for coordination of the Tiwirrampila leaders forum.

The cultural committee has been established to guide and foster the maintenance and celebration of Tiwi culture. The outcomes of this initiative will support programs aimed at maintaining our cultural traditions and reducing suicide rates and chronic health conditions, and support a range of programs that will improve wellbeing, employment and sustainable and culturally appropriate economic opportunity.

In 2024 the stand-out project to emerge from the cultural committee was the recommendation to re-establish a Tiwi cultural festival. The inaugural Tiwi Cultural Festival was held on 24 August. This pilot event was significant because it marks the beginning of an annual celebration aimed at promoting, preserving and sustaining the rich and vibrant culture of the Tiwi Islands. Aligning the Tiwi Cultural Festival with the Tiwi Islands Football League grand final promises to become one of the most important First Nations community events in the nation in 2025.

The Tiwi Leaders Forum aims to empower young emerging Tiwi leaders and their elders to coordinate responses to issues identified by the Tiwi leadership, including high suicide rates, chronic health conditions, gambling, youth crime, family or community violence, elevated levels of unemployment, and lack of economic opportunity. Consultation in relation to Tiwi Indigenous Protected Area has been ongoing for the past three years, and we are now working together with our partners towards dedication of the IPA in 2025. The IPA will empower Tiwi to look after their country, consistent with an agreed plan of management. This includes working with Tiwi rangers and research institutions to manage feral cats, pigs and buffalo and prevent the introduction of further biosecurity threats posed by ghost nets, cane toads, fire ants and gamba grass.

A further priority will then be to establish rights and interests over Tiwi sea country, including through a native title claim enabling the Tiwi Land Council to represent Tiwi people when activities are proposed that affect Tiwi people and their seas. Finally, we are committed to increasing the employment of Tiwi people within the land council. Plans for a permanent office on the Tiwi Islands are underway, alongside our commitment to ensure that Tiwi people take the lead in these initiatives. Together, we are paving the way for a sustainable future for the islands and our communities. Thank you.

CHAIR: Thank you. I would now like to invite Les Turner from the Central Land Council to make his remarks.

Mr Turner: Thank you. Good afternoon, senators. I would like to acknowledge the Ngambri and Ngunnawal people whose lands we meet on. In September 2024 the Central Land Council elected Mr Warren Williams from Yuendumu as chair and Ms Barbara Shaw from Mount Nancy town camp as deputy chair. In October this year,

the CLC celebrated our 50th anniversary, making us one of the longest standing Aboriginal community controlled organisations in this country. Our elders laid the foundations for a strong democratic organisation, bringing together elected representatives from nine regions in Central Australia, covering an area of 778,000 square kilometres to be their voice.

We are proud of our long history of achievement. From the outset, Aboriginal people struggled to have our rights recognised and encoded in legislation. The CLC has provided stability and direction and has consistently operated within legislative boundaries to deliver for our people. We operate within the clear constraints of our enabling legislation, the Aboriginal Land Rights Act, Northern Territory act, the Native Title Act and the PGPA Act. We have an unblemished record in meeting statutory requirements.

There has been a lot of media attention on Alice Springs and surrounds in recent times. I want to point out that the CLC, along with organisations like the Central Australian Aboriginal Congress health service, the Tangentyere Council, the NPY Women's Council, Anyinginyi Health Service in Tennant Creek and Ngurratjuta Aboriginal Corporation are organisations that exemplify Aboriginal community control and have existed for many years. I want to make the point that these organisations are delivering on the ground and should be a model for government investment. They clearly deliver economic and social benefits and not just for the Aboriginal community but for the broader Central Australian community. They are Aboriginal community led and based, and they are the opposite of intervention thinking.

I would like to commend the Australian government for continuing to invest in Aboriginal community controlled organisations. I would also like to commend the Australian government for recognising exceptional needs in Central Australia and responding by investing in infrastructure, education, vocational education and training, youth services, leadership and governance, community based prevention of domestic violence and crisis accommodation. The results may take some time to flow, but we know it is happening. There is already data to support positive results in education and school attendance.

Senator Price requested the minutes of the 17 and 18 September meeting in Tennant Creek, and that has been provided to the committee and the secretariat. We are happy for those minutes to be tabled. Senator Price also requested for the CLC chair and deputy chair to appear before the committee. Unfortunately, the deputy chair has just been discharged from hospital and is recuperating at home. We will take questions on notice if we have to. We look forward to their attendance at the next committee meeting. The other request from Senator Price was about the ANAO audit report recommendation 2A, which we will be able to provide a response to as part of this hearing. Thank you.

CHAIR: Thank you very much, Mr Turner for your representation today on behalf of the very diverse Central Land Council. We will now invite Mr Chris Neade to present on behalf of the Northern Land Council.

Mr Neade: Good afternoon, senators. We acknowledge we meet today on unceded land, and we pay respect to the traditional owners of this country, the Ngunnawal and Ngambri peoples. My name is Chris Neade. I'm an executive member for the Borroloola/Barkly region. I want to thank you all for the opportunity to address the committee on behalf of the Northern Land Council. Today we are representing our full council, and I appear on behalf of our chair, Mr Matthew Ryan, who is unable to attend due to unforeseen sorry business.

The NLC, built on our strong leaders, has fought hard for over 50 years to reclaim their traditional land, water and sea country. We continue this fight to fulfil these rights so that our communities have the opportunity to thrive on their country. We are tired of being used as political footballs and being blamed for delays by governments and proponents when we strive to serve. We represent and empower our people. This is why the NLC is working hard to change the way we do business, empowering traditional owners to seek opportunities for what they want on their land and not to be held to ransom by expectations or proponents. It is why we are consistently strengthening the NLC's governance, finding ways to improve the section 19 processes, and building our capacity to empower community and economic development opportunities.

The NLC would like to take this opportunity to raise awareness of some key issues. We no longer want to be passive bystanders as people conduct business on our country around us. Our future economic independence lies in us leveraging our land and sea rights so that we are not just stakeholders to be consulted but true shareholders in economic development. Our community faces challenges with employment, infrastructure and access to essential services. We need culturally respectful initiatives in local industries to create lasting pathways to economic independence. To achieve this, government must be bipartisan and walk with us. We also ask government to do all it can to ensure major projects in the Top End prioritise local Aboriginal economic development—real jobs. This is an approach to which the NLC is committed through compliance of contractual obligations in land use agreements.

The new NT government say they are tough on crime. We want this to extend beyond Darwin. Law and order must be upheld in our communities. Police need to be properly directed and resourced to ensure this. Additionally, we call on the government to strengthen the consequences of those doing the wrong thing on Aboriginal land—things like damaging sacred sites, unlawful actors on Aboriginal land, illegal land clearing, fishing without permissions. These things jeopardise our culture and our future. Thank you. I hand over to my fellow executive member.

CHAIR: Mr Hector.

Mr Hector: Good afternoon, senators. My name is Raymond Hector. I am an executive member representing Victoria River District Aboriginal community across the Territory [inaudible] home of Nitjpurru [inaudible] emergency response being prepared for disaster. We have been told every year the floods are a one-in-100-year event. Yet, every year floods come, and this would be the only community to be affected in this way and I call on you to stand by our side with us. We call for changes. We deserve the basic human rights given to others in crisis. We want to see investment that empowers our community to respond straightaway—things are safe, an emergency centre built in the right place with secure power, water and phone service to keep us safe and connected during the disaster. Thank you.

CHAIR: Thank you, Mr Hector. Mr Wirrapanda—

Mr Wirrapanda-Blanasi: Blanasi.

CHAIR: Blanasi, thank you very much please go ahead.

Mr Wirrapanda-Blanasi: Good afternoon, senators. My name is Conway Wirrapanda-Blanasi. I am an executive council member for the Katherine region. I am a senior cultural man. We want to see recognition of traditional law and recognition of our elders' role in passing down knowledge. When you respect our culture, communities are healthier and more resilient and are able to thrive, yet this often falls short in policy and implementation. We remind the government that Aboriginal voice and self-determination must guide decisions impacting Aboriginal lands and water. Songlines and languages are our voice. Once you scratch the surface, you will find many stories where local people have led the journey from the beginning. These are the projects that work and make a real difference. We ask that government listen actively to these voices.

Expanding investment in the Learning on Country initiative and the Northern Territory Aboriginal Ranger Grant programs can empower our younger people to navigate two worlds: one of the tradition, another of modern opportunity, giving them hope, pride and pathways for future success. A good way to describe how our culture and law can work in a Western corporate structure is to think of it as a tree. If you think of a tree, the roots through the ground is what we believe in. The bark and the trunk represents two moiety groups. The branches represent language group, and the leaf represents the people.

The issue we have raised today highlights the need for cultural respect, strong local leadership and working together. It is only by placing Aboriginal knowledge and leadership at the centre that we can meaningfully address these challenges. The NLC stands ready to work with the Australian government to promote sustainable culturally grounded development that upholds the rights and aspirations of Aboriginal people in our seven regions.

CHAIR: Thank you very much.

Mr Wirrapanda-Blanasi: Thank you, senators.

CHAIR: Thank you very much for those statements. We are now going to move to questions. The call will first go to the coalition.

Senator NAMPIJINPA PRICE: Thank you, Chair. Firstly, I might ask all land councils to take these questions on notice—in terms of your current updates for section 19 lease agreements, how many proposals have been processed by each of you since May. How many outstanding proposals do you have to consider? How long does it take to process these, and how has that changed over the past three financial years? How many have been approved since last estimates? I might also ask you to take on notice some questions with regard to fraud. Can you provide an update on any new or ongoing fraud investigations that your land councils may have. But I might ask each of you, going from left to right: how many land councils have had any of your staff act as the secretary for a PBC?

Mr Wakefield: Senator, I'll take that on notice, but my understanding is that there isn't any.

Senator NAMPIJINPA PRICE: There isn't. Okay, thank you.

Mr Ferguson: Sorry, Senator Price, would you be able to just repeat the last part of the question.

Senator NAMPIJINPA PRICE: Are any of your land council staff also acting as secretaries on other PBCs?

Mr Ferguson: Sure. So Tiwi Land Council doesn't have native title responsibilities, and there are no PBCs on Tiwi Islands.

Mr Turner: Our PBC unit will take the question on notice and come back to you.

Senator NAMPIJINPA PRICE: Thank you.

Ms Schaecken: Thank you for the question. We have one staff member. That's our principal legal officer, and he is the contact for the Top End default.

Senator NAMPIJINPA PRICE: Okay. Is this PBC up to date with its director ID requirements as well?

Ms Schaecken: I'll have to take that question on notice.

Senator NAMPIJINPA PRICE: Thank you. I now want to move to questions specifically to do with the Northern Land Council. Ms Schaecken, I note that you're also former acting CEO of the West Arnhem Regional Council. Do you remain employed by the council in any capacity?

Ms Schaecken: No, I don't.

Senator NAMPIJINPA PRICE: Were you former acting CEO of West Arnhem Regional Council and also acting CEO of the Northern Land Council for any period of time?

Ms Schaecken: No, they didn't overlap. I'm happy to expand on the dates if you like.

Senator NAMPIJINPA PRICE: No, that's fine. I note media reporting from last month that the National Anti-Corruption Commission executed search warrants at the offices of the NLC. What can you tell the committee about this raid?

Ms Schaecken: Thank you for the question. It wasn't a raid; it was a search warrant executed in relation to a report that I had made earlier in the year on a suspicion of corrupt conduct by a former employee. The Northern Land Council is committed to integrity and transparency, which is why I made the initial report to the NACC. That's probably about all I can say on the matter.

Senator NAMPIJINPA PRICE: That specific media report was in relation to the ongoing investigation. Does that investigation relate to the former CEO, Mr Joe Martin-Jard?

Ms Schaecken: It's difficult for me to provide information, as to do so might prejudice the NACC's investigation.

Senator NAMPIJINPA PRICE: Okay. For the sake of record, does the raid relate to allegations from my good friend and colleague Senator Thorpe against the member for Lingiari?

CHAIR: Senator Nampijinpa Price, the Northern Land Council interim CEO has said that they need to be cautious in relation to prejudicing anything that is before the courts. We need to consider what is in the public interest as far as determinations by the NACC. By all means, put your questions, but, Ms Schaecken—

Senator NAMPIJINPA PRICE: Thank you, Chair. I'll rely on the responses from—

CHAIR: frame the answers such that, that if you need to take a public interest immunity claim in responding to the questions appropriately—

Senator THORPE: I have a point of order. You can't tell the witnesses what to say. You let the witnesses speak.

CHAIR: I was not—

Senator THORPE: You just chair the meeting.

CHAIR: Thank you, Senator Thorpe. I'm well aware of my obligations as chair.

Senator THORPE: Well, I think you're leading—

CHAIR: I'm not seeking to lead the witness.

Senator THORPE: You're leading the witness.

CHAIR: Ms Schaecken, please answer the questions, and seek advice if you need any advice with respect to the standing orders.

Ms Schaecken: Thank you. I'm pretty well prepared. The Northern Land Council aligns its position with the NACC, which does not generally comment on the specifics of referrals. Public commentary could compromise current or potential investigations by the NACC or other agencies, unduly harm reputations and violate the rights of individuals to impartial adjudication and privacy. Whilst I appreciate the Senate has questions, unfortunately, I'm not able to answer them.

Senator NAMPIJINPA PRICE: You can't answer whether the raids relate to Senator Thorpe's allegation about Ms Scrymgour's misappropriated COVID-19 stimulus money to acquire a holiday home at Twin Hill Station?

Ms Schaecken: The search warrants were in relation to a report that I had made on suspicion of corrupt conduct of a former employee.

Senator NAMPIJINPA PRICE: So that's ruled out.

Senator McCarthy: In terms of the assertion in Senator Price's questioning, I do understand that Marion Scrymgour, the member for Lingiari, has written to the committee with reference to the previous Senate estimates. I would refer the chair and the committee to her letter and ask that Senator Price be very careful of her line of questioning, given that Marion Scrymgour has responded.

Senator THORPE: Where's the letter? I haven't seen the letter.

CHAIR: Senator Nampijinpa Price, you also need to be mindful of the standing orders in relation to imputation, even in your questions. Be specific and factual.

Senator NAMPIJINPA PRICE: Absolutely. I can appreciate that. I've been very specific and factual. Can we get a copy of that letter tabled?

CHAIR: It was tabled at the last estimates, but I'm sure the secretariat can find a copy of it.

Senator NAMPIJINPA PRICE: Okay. Great.

CHAIR: I'll rotate the call shortly, but please continue, Senator Nampijinpa Price.

Senator NAMPIJINPA PRICE: I have some questions with regard to the NLC and disputes over PBCs. Has the NLC received any correspondence from traditional owners requesting the rearrangement of PBCs, whether that is the creation of new PBCs for certain native title determinations or the breaking up of existing ones?

Ms Schaecken: I will ask my PLO to answer.

Mr Gomez: Yes, we have.

Senator NAMPIJINPA PRICE: How many requests has the NLC received in the last 18 months?

Mr Gomez: Can I take that question on notice? I believe the answer is about three, but I want to be certain with the response.

Senator NAMPIJINPA PRICE: Do you know how many have been resolved?

Mr Gomez: One PBC has been set up this year.

Senator NAMPIJINPA PRICE: Has that come out of such requests?

Mr Gomez: That's correct.

Senator NAMPIJINPA PRICE: Have any PBC arrangements changed because of these requests at all?

Mr Gomez: I'm not sure I understand your question.

Senator NAMPIJINPA PRICE: Have existing PBCs had any alterations as a result of these requests that have come through?

Mr Gomez: No.

Senator NAMPIJINPA PRICE: Okay.

Mr Gomez: Sorry, I will just further expand—that is save to say that, in the one PBC that has been established, the determination that was previously held by another PBC was moved across into the new PBC, if that makes sense.

Senator NAMPIJINPA PRICE: What was the reasoning for that?

Mr Gomez: Why was that changed? Why did that change occur?

Senator NAMPIJINPA PRICE: Yes.

Mr Gomez: It was on the request of the native title holders.

Senator NAMPIJINPA PRICE: Does the NLC have an established policy for dealing with these sorts of requests?

Mr Gomez: We have a policy to support native title holders when they wish to establish a new PBC.

Senator NAMPIJINPA PRICE: Are you able to provide that on notice, then?

Mr Gomez: We have a policy to support common law native title holders if they wish to establish a PBC, but I'll take it on notice.

Senator NAMPIJINPA PRICE: Do that if you could. I guess there's a difference between changes being made and establishing new PBCs. Is there a process around that?

Mr Gomez: Sorry—is your question, 'Is there a process around establishing a new PBC?'

Senator NAMPIJINPA PRICE: Yes. What is the process?

Mr Gomez: It's set out in the Native Title Act. The process is the process set out in the act.

Senator NAMPIJINPA PRICE: That is the process that you take through the act. I understand one of the concerns that prompted these requests is that grouping different family groups in the one PBC is a recipe for conflict. Is this a serious concern for the NLC when considering these requests?

Mr Gomez: The primary consideration is the intention of the common law native title holders.

Senator NAMPIJINPA PRICE: The potential for conflict comes into that then, then.

Mr Gomez: If the common law native title holders are saying they wish to establish a new PBC, we support them with that request. They're sort of—

Senator NAMPIJINPA PRICE: Does that concern carry weight in the determinations?

Mr Gomez: If they're saying, 'We want to establish a PBC,' irrespective of other considerations, we honour that and we act on it.

Senator NAMPIJINPA PRICE: Does this concern outweigh, for example, administrative financial costs involved in breaking up PBCs and creating new ones?

Mr Gomez: Yes.

Senator NAMPIJINPA PRICE: Can a member of a PBC also have a role at the NLC?

Mr Gomez: Yes. Sorry, can I—

Senator NAMPIJINPA PRICE: You are a secretary for a PBC as well. Is that a conflict of interest at all?

Mr Gomez: I don't think so.

Senator NAMPIJINPA PRICE: No.

Mr Gomez: We have a number of lawyers in the branch, so we can manage conflicts effectively.

Senator NAMPIJINPA PRICE: How do you manage those conflicts—for example in a situation where the interests of the PBC and the NLC may not align?

Mr Gomez: It's hard without a specific example, but there are multiple options. We can allocate to different lawyers and erect information barriers. We can engage external legal assistance where required. It really depends, though, on the nature of the conflict as it arises, and we would manage accordingly.

Senator NAMPIJINPA PRICE: Mr Yuseph Deen has been appointed as the new NLC CEO. When does he begin work?

Ms Schaecken: Thank you for the question. The delegation to appoint the NLC CEO sits with the NLC's executive council. I'm not going to speak for them on the matter, but I am aware that Mr Deen starts on 9 December.

Senator NAMPIJINPA PRICE: How many applicants did the NLC consider for this role?

Ms Schaecken: As I was at arm's length from the process, I'll ask my CFO to support you with questions.

Mr Bhat: For the recruitment of the CEO, we received about 24 applications.

Senator NAMPIJINPA PRICE: As the New South Wales land council CEO, Mr Deen went on several international trips, including what looks like a $20,800 first-class Sydney-to-New York return flight and a $18,801 first-class Sydney-to-Boston return flight. Was the NLC aware of these expenses, and did the NLC investigate their appropriateness?

Mr Bhat: Yes. We were aware of that, and these are allegations which Mr Yuseph Deen denies.

Senator NAMPIJINPA PRICE: He denies these allegations.

Mr Bhat: Yes. I want to add that there are certain elements of those allegations which he denies, like the first-class trip. He has travelled business class, but that is per the policy of the New South Wales council. He has confirmed that he has not breached any of the travel policy.

Senator NAMPIJINPA PRICE: Has he provided evidence to suggest that that's been the case?

Mr Bhat: That's what was briefed to us. We have taken it seriously. We asked for a review, and that was the outcome of that. He denies the allegations, and that travel was per the policy of the New South Wales council.

Senator NAMPIJINPA PRICE: Was he residing in Queensland while he was the CEO of the New South Wales land council?

Mr Bhat: My understanding is that he was acting at that stage and that his position was based there, but he denies the allegations that he was residing there while he was the full-time CEO.

Senator NAMPIJINPA PRICE: If it's appropriate, I ask you to provide that evidence for the purpose of this committee, please.

Mr Bhat: Sorry, evidence of—

Senator NAMPIJINPA PRICE: Provide evidence of not having taken those first-class flights and that he was residing, in fact, in New South Wales and not Queensland.

Mr Bhat: We can take that on notice.

Senator NAMPIJINPA PRICE: Thank you. I've got some questions for the Anindilyakwa Land Council. I note media reports from last month that the National Anti-Corruption Commission executed search warrants at the offices. What can you tell the committee about this raid?

Mr Wakefield: NACC conducted operational activity on the island on 16 October. We understand it was part of NACC's investigation process from a referral of a complaint. The ALC will obviously cooperate with any NACC inquiries I can't comment on any ongoing investigation and any questions related to that NACC investigation. I think that will need to be taken up with NACC.

Senator NAMPIJINPA PRICE: Okay. Do these raids relate to the former CEO, Mr Mark Hewitt?

Mr Wakefield: That's my understanding.

Senator NAMPIJINPA PRICE: Minister, you released a statement saying that the ALC chair informed you that the ALC board had resolved to terminate the employment of Mr Hewitt effectively because he lost the trust of the ALC board. Do you have anything you'd like to add?

Senator McCarthy: I'd certainly congratulate the new ALC board and the chair and her board that are here with her. I know it's been a really tough time for them, but I am determined, along with the ALC chair, to see them get through this situation. It has been an incredibly tough time, but I am pleased with where they are at the moment.

Senator NAMPIJINPA PRICE: Given that the ALC has been able to provide that level of evidence to the committee without compromising the investigation, is there anything else that you'd like to add as the CEO of the NLC to the current investigation that's taking place?

Ms Schaecken: I would rather not prejudice the investigation by the NACC or speak for them. The Northern Land Council is fully cooperating. There's no place for wrongdoing at the Northern Land Council, and we're moving forward in good governance.

Senator NAMPIJINPA PRICE: Given the allegations against Mr Hewitt have been circulating for many months now, why was he allowed to remain in his post for so long?

Ms Wurrawilya: There has been a lot of change this year—the passing of the former chair and deputy chair. We have been trying to do the right thing and what is within our power to do. The board were told that Mark could manage his conflicts by leaving the room and by not being a part of decisions for Winchelsea and Groote Holdings Aboriginal Corporation. However, what we learned from the NIAA independent review, which was finalised on 27 August 2024, was that Mark's conflicts of interest were not manageable. The old ALC board, on 22 August 2024, deferred the decision to the incoming ALC board. The new ALC board included a newly-elected chair, and deputy chair was elected in September—acted strongly and terminated Mark on 16 October 2024. Thank you.

Senator NAMPIJINPA PRICE: My next line of questioning is going to be directed at the Central Land Council. For the record, my questions do not in any way relate to any proceedings in other places between me and Mr Turner. Mr Turner, can you please inform the committee of when you took your annual leave this year and what acting arrangements were in place during your absence? I'm happy for you to take that on notice if need be.

Mr Turner: I think the only leave I can recall was: I took three weeks leave and advised the executive, who also passed a resolution for acting arrangements at that time, and Dr Josie Douglas was acting CEO at the time.

Senator NAMPIJINPA PRICE: During what dates were those?

Mr Turner: I would have to come back to you on the dates; I haven't got them.

Senator NAMPIJINPA PRICE: Thank you. What due diligence was performed for the current chair and deputy chair, they being Mr Warren Williams and Barbara Shaw, to ensure they were appropriate, qualified and fit and proper people to hold those positions?

Mr Turner: I will ask the PLO, Kate O'Brien, to respond.

Ms O'Brien: The qualification requirements for CLC delegates, as for all land council delegates, are those set out in section 29 of the Aboriginal land rights act. The usual process is for delegates to self-declare that they are compliant; nevertheless, for a position like the chair, the Central Land Council does take the additional step of conducting police checks. That police check has been submitted and we're waiting for a response. I do note that the election of those positions is a matter for council to decide on. It's not a matter for staff to decide, for instance, if someone is a fit and proper person. The election process itself is set out under the land rights act; that provides that council may, at any time, elect a new chair or deputy chair.

Senator NAMPIJINPA PRICE: So it's not understood at this time whether either of them have a criminal record of any type?

Ms O'Brien: We, as I said, are waiting for that criminal record check to come back from the national record check place.

Senator NAMPIJINPA PRICE: My next set of questions relates to the removal of Mr Matthew Palmer as Chair of the Central Land Council. Has Mr Palmer been afforded procedural fairness at all times during this process? Was he always given access to an interpreter and legal representation?

Ms O'Brien: I'll take that question, too. Thanks for your interest there. Yes, Mr Palmer has been given procedural fairness. I note that the critical meeting at which decisions were made occurred on 17 September; however, there was an earlier meeting. Mr Palmer engaged legal representation before that first meeting as a result of—or, at that first meeting, council decided that it would not make any decisions, in order to allow Mr Palmer time in order to get legal advice. Instead, council decided on a set of questions that council considered relevant and provided those to Mr Palmer via his legal representatives. Around two weeks later—a little over two weeks, actually—a second meeting was held at which council came prepared to listen to what Mr Palmer had to say, particularly in relation to those questions that had been sent to him and his lawyer but also on any other matters that he wished to talk about. Mr Palmer was on notice of the facts that council considered relevant to its decisions on possible breaches of the rules that councillors are required to abide by, and also possible consequences of those, if he was found to have made any breaches of those rules. At the critical meeting of 17 September, he was provided with an interpreter, even though he himself has worked as an Arrernte-English court interpreter. He had ample time to obtain legal advice before the meeting on 17 September, and he did so. He was legally represented by two lawyers at that meeting on the 17th. They appeared by video link, facilitated through the Central Land Council. He was given an opportunity to speak to council before any decisions were made, and he could allow his lawyers to speak for him when he chose to do that, and he did allow them to speak for him at times. Questions, as I said before, were provided concerning the specific matters that council thought were relevant, but Mr Palmer and his lawyers were free to talk outside those questions about matters they considered relevant, and they did so. Delegates only made decisions regarding his conduct and the consequences of it after hearing from him and considering his and his lawyers' views. In addition, the CLC CEO stepped out of the meetings, as he could have been perceived to have a conflict of interest in relation to the matter, given that he was the subject of some of the media commentary. He didn't want to be seen to be influencing council's decision, so he made the decision to step away. That's procedural fairness.

Senator NAMPIJINPA PRICE: You suggested that questions were put to his lawyer. Why then did Barbara Shaw and you, Kate O'Brien, on 26 August, ask a series of questions about the men's closed meeting without his lawyers present? Why were his lawyers advised after the meeting was had, instead of prior to? Why was he not afforded a support person during that meeting or legal representation, given he had already been found by the Central Land Council to have done something wrong?

Ms O'Brien: Could I clarify the nature of that meeting, please. That meeting on 26 August was a meeting of the chair's peers from Region 1. Now, the Central Land Council has nine regions. They're administrative regions based around language groups. The delegates are chosen from those regions, and the—

Senator NAMPIJINPA PRICE: But it was a peer. It was Barbara Shaw and you only at that meeting.

Ms O'Brien: I was not at that meeting. The delegates at that meeting were Mr Palmer's peers. They chose—they wanted to talk to him, to hear what he had to say about why—

Senator NAMPIJINPA PRICE: According to Mr Palmer, it was you and it was Barbara Shaw.

Ms O'Brien: I was not at that meeting.

Senator NAMPIJINPA PRICE: Well, I'm sure it will come out in the wash. How many times did land council staff or executive members meet with Mr Palmer during this period, and what measures were taken to ensure Mr Palmer received procedural fairness?

Ms O'Brien: I can't speak for all land council staff. What I can say is that, as to lawyers for land council, as soon as lawyers knew that Mr Palmer received legal representation, we were scrupulous in making sure there was no direct contact between the Central Land Council's lawyers and Mr Palmer himself.

Senator NAMPIJINPA PRICE: Can you provide on notice, then, any correspondence sent to Mr Palmer during this period. Why wasn't Mr Palmer allowed to have his support people present during the meeting of 17 September in Tennant Creek if the Central Land Council supposedly provided procedural fairness?

Ms O'Brien: The meeting on 17 September was advertised as a delegates-only meeting. That meant that delegates, staff who were required to assist delegates, and invitees were specifically there, and those invitees were Mr Palmer's two lawyers and the interpreter arranged for him. Those people were specifically there to support Mr Palmer. I'm aware that he did bring other support people to the meeting. Those people were not invitees and they were not CLC delegates.

Senator NAMPIJINPA PRICE: It was pretty intimidating for Mr Palmer to be brought before the entire CLC, knowing that there were individuals gunning for him—and, yes, he had, as we will get to, his legal representation, who were there via Teams. But, as to the support people, I would suggest that procedural fairness offers the opportunity to have support people with him. Why did Ms Shaw call police to remove Mr Palmer's support people, when they were not doing anything illegal or behaving in ways that warranted police attention?

Ms O'Brien: Can I respond to the first part of your question, which perhaps, while not phrased directly as a question, goes to the atmosphere of the meeting. First of all, I'd like to emphasise that the decision-makers in this meeting were Mr Palmer's peers; they were the 64 other members of council who were able to attend the meeting. All council members are elected Aboriginal people from across the region, and Mr Palmer knows many of those delegates personally and in their roles as delegates. Many of them knew him personally and as a delegate, and all of them knew him as a chair. Some delegates were personally present at the meeting at which—

Senator NAMPIJINPA PRICE: Ms O'Brien, that's beside the point. He wanted support people there for him personally. One of them was his 80-year-old grandfather—an 80-year-old elder. I would hope to think that the land council and its staff respected elders, no matter who they were. We're talking traditional owners, which the Central Land Council is supposed to represent the interests of. So these were traditional owners. They were the support people for the CEO. And Ms Shaw rang police on an 80-year-old man.

Ms O'Brien: On my instructions, Ms Shaw did not call police. Rather, I am instructed that police were called by security guards at the council meeting, following a disturbance caused by one of those support people. That person was overheard yelling and intimidating people in the car park of the civic shire hall in Tennant, where the meeting was being held. Police asked him to move on. I'm instructed that was made by security guards.

Senator NAMPIJINPA PRICE: There are differing views on what actually occurred, no doubt. Can you please explain what authority the disciplinary action against Mr Palmer emanated from.

Ms O'Brien: The Central Land Council delegates are chosen pursuant to a document called the method of choice. That method of choice sets the terms and conditions under which members of the land council hold office. One of those terms in the method of choice is that a delegate can be removed as a delegate if they breach the CLC's code of conduct, the meeting rules of the land council or the Public Governance, Performance and Accountability Act, whether or not such a breach is proven. It was pursuant to that authority that action was taken by council on a very considered process, and I note that that method of choice was approved by the previous Minister for Indigenous Affairs, Nigel Scullion.

CHAIR: Senator Nampijinpa Price, it's time to rotate the call. Do you have a last question?

Senator NAMPIJINPA PRICE: I've still got a bunch of questions to go, so I'm happy to rotate the call.

CHAIR: Senator Thorpe.

Senator THORPE: Thank you, Chair. This is for the NLC. I wish to ask about the COVID stimulus grant funding and follow up on responses to questions on notice. There were four grants connected to Ms Scrymgour and her family. Were any NLC staff involved in preparing any of these grant applications—or any other applications, for that matter?

Ms Schaecken: Both rounds of stimulus were before my time, so I can't speak to the specifics. I would have to ask my CFO to come and support answering those questions.

Mr Bhat: Senator, if I understand your question correctly, your question was: have any NLC staff assisted—

Senator THORPE: Ms Scrymgour in preparing the four grants that she and her family received from COVID stimulus money.

Mr Bhat: No, Senator. And those grants applications were not done by the former CEO anyway.

Senator THORPE: I beg your pardon?

Mr Bhat: I didn't understand your question, Senator.

Senator THORPE: This is about the COVID stimulus grant money and the fact that Ms Scrymgour and her family had four grants. I'm asking if NLC staff were—

CHAIR: I think, Senator Thorpe, the first part of your statement needs to be framed as a question perhaps, so that Mr Bhat can answer—

Senator THORPE: Mr Bhat knows exactly what I'm talking about. Were any NLC staff involved in preparing any grants—the four grants connected to Ms Scrymgour and her family—for COVID stimulus funding?

Mr Bhat: Part of our role when this stimulus was rolled out was that we did provide assistance, but I have to take that on notice whether or not for these particular four grants staff provided any assistance. It is not uncommon that, when we receive those applications, sometimes, if the application is incomplete or incorrect, we do go back to—and it is not only for those applications—the applicants and request more [inaudible]. If that is what you are calling assistance then we have provided that assistance to everyone.

Senator THORPE: Thank you. Can I ask who approved—

Senator McCarthy: Chair, could I—

CHAIR: Yes, Minister.

Senator McCarthy: I'm just aware that a question on notice was in relation to this, and there was a response to the question on notice that said:

The NLC has identified four approved grants with family connections to Marion Scrymgour. Marion Scrymgour was not involved in the process for those grants. None of those grants were recommended or approved by Marion Scrymgour.

I just bring that to the committee's attention.

Senator THORPE: Yes. Thank you for that.

CHAIR: Thank you for placing that on the record.

Senator THORPE: Can I have my time asking the questions? Who approved these four applications? If it wasn't Ms Scrymgour, what date was this? Was it the previous chair who approved, and was it approved prior to receiving the application?

Mr Bhat: One of those applications was approved by the former chair. The application was approved on 31 May 2021. The other applications were approved by the former CEO, Joe Martin-Jard.

Senator THORPE: Thank you. I understand that 149 grant applications were rejected. How many of these 149 rejected applications were connected to Ms Scrymgour and her family?

Mr Bhat: Sorry, Senator; I have to take that on notice. I don't have that information.

Senator THORPE: Thank you. Ms Scrymgour's family corporation, the A Daiyi Aboriginal Corporation, received a $400,000 grant. According to ORIC documents, this corporation did not trade prior to the grant or after receiving the grant. So basically the corporation was set up just to receive that 400 grand, because it's the only asset and it's the exact value of the grant received. Has the funding generated any revenue for your corporation, and, if not, has this grant achieved its purpose of being a stimulus grant?

Mr Bhat: I can confirm that this grant was as per the principles which were designed by the former Minister for Indigenous Australians, and it fits within the criteria of the Northern Land Council. So I have to take that on notice, your other part of the question.

Senator THORPE: Thank you. This time last year I requested a detailed breakdown of these grants, but this still hasn't been provided. In June estimates the minister dumped a few hundred pages, just before the estimates session, that was a mess of invoices and receipts, basically saying it was for me to sort it out. There was no summary of information, and this was only half of the information—so it should have been two piles. Why have you made it so difficult to look into this grants scheme? Why is it so hidden? Ms Schaecken, at last estimates you told me you would investigate the scheme. Does this mean you referred this matter to the NACC? Mob are ringing me up saying someone has bought a boat and; he's put it on social media; it's not an NLC asset. This fulla is driving his boat with his beer cans in there and skitin' up on social media. There's a house that's been bought. So, out of transparency and accountability for NLC community, who are telling me this, I'm asking you.

Mr Bhat: I will answer the first part of the question but I will refer the second part to our interim CEO. As far as transparency and accountability, we take it seriously, and hence these grounds have openly been reported in our annual report. They are on our Northern Land Council website as well. So we are transparent. We do provide a report. And we have provided a response back to the Senate. Sorry if that was not sufficient. We can provide any other information you need. So we are very open and transparent. We have nothing to hide. But I will ask our interim CEO to answer your second part of the question.

Ms Schaecken: Thank you, Senator. Could you repeat your question directed at me?

Senator THORPE: You mentioned at the last estimates that you were going to look into this matter and investigate the COVID stimulus funding, given I've got 50 witnesses. I need to give them answers as to why someone has got a boat out of this stimulus money and why someone bought a house out of it, and why it didn't go to our people who needed it in COVID. Did the investigation happen?

Ms Schaecken: I made inquiries into the administration of the stimulus program. While I appreciate the investment principles were set by the former minister, Ken Wyatt, what I found concerned me and, as is required of me as an agency head, I have made a report to the National Anti-Corruption Commission. And that's all I can say on the matter.

Senator THORPE: So does that mean that Ms Scrymgour is part of the NACC?

Ms Schaecken: I reported the administration of the stimulus, not specific people.

Senator THORPE: Okay. Thank you. I want to ask about the relationship between NLC and Good Advice, a deadly little consultancy that popped out of nowhere. And ex-NLC CEO or member has gone and set up this deadly consultancy called Good Advice. You've got Santos paying for the Good Advice business to then work with the NLC. Who has been paying NLC members to spread the good word about gas? Following last estimates, you confirm that five NLC council members, including two NLC executive council members, have declared conflicts with Good Advice—so paid Santos members on your executive. Are you able to table a copy of your conflicts of interest register?

Ms Schaecken: Yes, earlier this year the NLC introduced the annual conflict of interest declaration forms for all members. All declarations are recorded on that register that you're asking for. In addition to that, all members can declare a conflict of interest at any time, particularly during meetings. They are then required to leave the meeting, unless otherwise agreed by that meeting. Five NLC council members, including two executive members, have declared a conflict of interest with Good Advice. The information available to me—just to correct you, Senator—is that it is a former NLC employee that established that, not a CEO.

Senator THORPE: Yes, sorry.

Ms Schaecken: In regard to their paid roles, I'm not aware of the specific information, but we are happy to provide the register to you.

Senator THORPE: Thank you. Have any other NLC staff members declared conflicts of interest with Good Advice, and do you have any idea how much NLC members have been paid by Good Advice? Santos pays pretty well.

Ms Schaecken: I wouldn't be privy to the details of their remuneration outside of the NLC. In relation to staff, to the extent of my knowledge, no, there are no declared conflicts of interest for staff members with Good Advice. The employee that I referred to earlier is an ex-employee of the Northern Land Council.

Senator THORPE: Yes. That must be Greg McDonald. Good Advice's CEO man was an ex-employee of NLC. I understand he was at NLC for over 15 years and was the energy and mining branch manager. When did Mr McDonald finish his employment with NLC?

Ms Schaecken: Senator, that's before my time, so I would have to take that on notice.

Senator THORPE: Thank you. Conflicts of interest are part of governance, but we are talking about people being paid what are likely very large sums of money by gas companies to destroy country, sites—you name it. You can't drink your water. These people were on a statutory body that is supposed to be representing traditional owners in negotiations with gas companies. So you've got someone being paid by a gas company but then they're also in there negotiating with the gas company about destroying country by fracking it. How can the community be confident that conflicts of interest are being managed if some of our mob are being paid by the very companies that are destroying our land, and then these fullas are going in there negotiating with the same companies? How is that conflict of interest not managed, or managed?

Ms Schaecken: As a management action, all five NLC council members agreed to leave the room during any discussions or decisions regarding their conflicts.

Senator THORPE: So they just leave the room?

Ms Schaecken: That's correct.

Senator THORPE: And then they go back in?

Ms Schaecken: They're not privy to the discussions or information relevant to the proponents or to their other employer.

Senator THORPE: So who's left in the room to do the discussion, if they leave?

Ms Schaecken: Of the 78 council members we have, there are five in total. They're spread across regions.

Senator THORPE: Minister, I know the previous minister was made aware of this in November last year, and the NIAA was also made aware. So how confident are you in management of these conflicts of interest? What actions are you taking to address the gas industry paying off the Northern Land Council members to lobby on their behalf?

Senator McCarthy: Conflicts of interest are something that we all have to manage, Senator Thorpe, even here in the Senate.

Senator THORPE: I'm only talking about NLC.

Senator McCarthy: We all have conflicts of interest of some type. The important thing is how we manage those conflicts of interest, and, obviously, the advice given by the Northern Land Council is that, if there are five members of the 78 council members, the fact that they leave the discussion and do not attend negotiations, I think, is quite appropriate.

Senator THORPE: So, if someone is being paid hundreds of thousands of dollars and they are an NLC member and they are doing deals with a gas company or lobbying and telling all their mob, 'No, this fracking is okay; it's going to be good—there'll be nothing for our kids left in the future, but we'll just take what we can while we can,' how is that not a conflict of interest, Minister?

Senator McCarthy: I'm just talking about the managing of the conflict of interest. We all have conflicts of interest.

Senator THORPE: How is that being managed?

Senator McCarthy: We've just heard from the NLC CEO or Acting CEO.

Senator THORPE: But what are you doing about it?

Senator McCarthy: This is exactly what they should be doing. They're a statutory body, Senator Thorpe. It's not my job to interfere in every single statutory body across the country. If they are not—

Senator THORPE: So, in terms of—sorry, I thought she had finished.

CHAIR: It is time to rotate the call.

Senator THORPE: I would like one more question because the minister takes a long time to answer.

Senator McCarthy: Clearly they have to meet their statutory requirements.

Senator THORPE: Thank you. Ms Schaecken, back to you. The gas industry has been looking at us for a long time now. They know which families are which, they know who's battling and they go straight to them and they offer them hundreds of thousands of dollars. Are you aware of any other bodies like this deadly Good Advice that the gas industry is using to pay NLC members? Are Tamboran, for example, paying Good Advice or have they got their own fake consultancy to give good advice to people? They're just setting up these dodgy consultancy outfits to railroad our people and give them a bit of money to get consent to destroy country.

CHAIR: You need to give people an opportunity to answer the question.

Senator THORPE: And you need to let me finish my questioning, Chair, with all due respect. Thanks, Ms Schaecken. I'll let you answer.

Ms Schaecken: I'm sorry, I missed the question in all of that.

Senator THORPE: That's because you interrupted, Chair. Here's my question. You've got the Good Advice that your ex-NLC person went and set up to be able to frack country with Santos. How many more of these are out there? Tamboran is destroying country as well. So did Tamboran set up a deadly little scam and consultancy on the side to provide good advice. So are there any more—

CHAIR: Senator Thorpe, I'm not following your questions either.

Senator THORPE: Are there any more—stop interrupting! Are there any more consultancies—

CHAIR: My job as chair is to maintain orderly questions and answers.

Senator THORPE: like Good Advice? Do you know what I'm saying? Thank you.

Ms Schaecken: I can't speak for what Tamboran does in terms of their consultancies. That's nothing to do with the Northern Land Council. I don't know who it is that's taking advantage of those organisations, but what I can say is that, to the extent of my knowledge, declarations of conflicts of interest from our members are in relation to Good Advice and TEACA, which is the Top End Aboriginal Coastal Alliance. But I don't have specific details of their activities.

Senator THORPE: So we know that Empire are also paying Good Advice. You've got Santos and Empire paying Good Advice—

Ms Schaecken: I can't speak for them.

Senator THORPE: to circumvent, free, prior and informed consent of our people to make their own decisions.

Ms Schaecken: And it is the duty of the Northern Land Council to ensure that we are supporting and empowering the Aboriginal people in relation to the conversations that they have with us, so I can't speak for the advice they get outside of that, but we will make every effort and exercise due diligence when it comes to our interactions with them and ensuring that they have everything afforded to them for free, prior and informed consent.

CHAIR: Thank you, Senator Thorpe. We'll now return the call to the coalition. We are due to break for afternoon tea at four o'clock and then return after the tea break to finish three agencies in the last 45 minutes. I'm just checking in. I had only thought the coalition had questions because I hadn't received advice about other questions.

Senator THORPE: You haven't asked my office about what questions I have, so I'm not sure why that is. But I have a number of questions. I still have questions about the boat purchase.

CHAIR: Okay. Senator Nampijinpa Price, you have the call.

Senator NAMPIJINPA PRICE: Thank you, Chair. Back to the issue of the removal of the former chair Matthew Palmer. Under the Aboriginal Land Rights Act, a chairperson can call any meeting they think necessary. Is that not correct?

Ms O'Brien: The process for calling meetings, Senator, is, as you say, set out in if the land rights act. I don't have that specific section reference.

Senator NAMPIJINPA PRICE: Isn't part of the role of a chairperson and/or the executive to scrutinise the role of a CEO and the entity they govern over, if they feel it necessary?

Ms O'Brien: All land councils have power under the land rights act to employ staff and to determine the terms and conditions of that employment, and that includes the CEO of the land council.

Senator NAMPIJINPA PRICE: Therefore the chair can and the executive can. If the chair and the executive can't, then who can?

Ms O'Brien: The council can. It's an inherent power under the land rights act. That power, in the case of the Central Land Council, has been delegated to the executive committee.

Senator NAMPIJINPA PRICE: So Mr Palmer was exercising his power of chair. Any scrutiny that he might have of the Central Land Council or the CEO, it's within his power to do so.

Ms O'Brien: For a meeting to be a meeting of the Central Land Council, it needs to be properly constituted. There needs to be a quorum.

Senator NAMPIJINPA PRICE: But he can hold a meeting regardless. He can hold a meeting. He can speak to other delegates at any time he wishes, really. There's no set time or place to actually hold any kind of discussion of any kind.

Ms O'Brien: If it's to be a meeting of the Central Land Council, it has to be a meeting held in accordance with the act, and that requires there to be compliance with the council meeting rules that have been approved by the minister and that includes the quorum requirements.

Senator NAMPIJINPA PRICE: There are discussions held within the land council in itself that are closed meetings.

Ms O'Brien: There's a distinction between what is a meeting of the Central Land Council and what is a discussion between delegates that is not a meeting of the Central Land Council.

Senator NAMPIJINPA PRICE: But a discussion between delegates is a discussion between delegates, and that's all above board; correct?

Ms O'Brien: Delegates can have discussions at any time.

Senator NAMPIJINPA PRICE: I'm sure they can. During the meeting the PGPA Act is quoted as having been breached by Mr Palmer. Was Mr Palmer's intention merely to scrutinise the CEO for the betterment of the entity, given his own statement:

… the voices of people in community have been ignored for too long and many in this community are being kept in poverty. Voices are ignored, people are left behind and the vision of the Central Land Council has been lost.

Wasn't this an erroneous and incorrect application of the PGPA Act in the first place, and it was weaponised against the former chair to remove a political enemy of the CEO?

Ms O'Brien: That's not the case.

Senator NAMPIJINPA PRICE: I beg to differ because it really looks like the case. On what grounds was the chair dismissed? Was this serious misconduct that took place for his head to be placed on the proverbial chopping block?

Ms O'Brien: Senator, would it assist the committee if I were to read into *Hansard* the resolution passed by the Central Land Council?

Senator NAMPIJINPA PRICE: The resolution is there; it's on the record. You've provided the minutes of the meeting. We know what the resolution is. We also know that there were draft resolutions by the chair that were actually provided to the Central Land Council well before this meeting was held in July. It is stated that the breach of section 25 of the PGPA Act occurred because the chair did not take minutes during the closed meeting that all men participated in. Shall all male participants of this meeting then be held accountable for not including women in this particular part?

CHAIR: Senator Sheldon.

Senator SHELDON: I think it may be of assistance to consider—just as a suggestion at this point—that we may have to have a break of the committee pending the response to this to consider what I'm putting. But there are matters which are presently before a court. One of the members of the Senate making assertions regarding the CEO may be inappropriate, and there's a conflict of interest. So there are some serious questions about these questions or this line of questioning in terms of the way it has been presented so far. There may be another way of presenting it but not this way—presenting direct attacks on the CEO. I think it's inappropriate coming from that senator.

Senator NAMPIJINPA PRICE: Thank you—

CHAIR: Senator Nampijinpa Price, you need to wait for the call. As the chair I'm simply here to say that you are here to ask questions and not to put assertions on the record. I was having great difficulty, in fact, in following your questions in a logical, orderly way in order to work out whether they're legitimate questions for estimates. So I'm returning the call to you, but I ask you to have regard for the standing orders and also for our capacity to conduct this hearing in a courteous way and in a way that facilitates a question and time for an answer.

Senator NAMPIJINPA PRICE: Thank you, Chair. And I have also been given advice by the Clerk of the Senate, Mr Pye. He is across my line of questioning as well, given that the matter, as you're talking about, I appreciate that there are those that might have concern—

CHAIR: Senator Nampijinpa Price, I haven't ruled your questions out of order. I am simply—

Senator NAMPIJINPA PRICE: Great. I will continue. Thank you.

CHAIR: trying to enable for them to be put and responded to in a way—

Senator NAMPIJINPA PRICE: Perfect. I will continue.

CHAIR: that is orderly. Please continue, Senator Nampijinpa Price.

Senator NAMPIJINPA PRICE: You're having a difficult time trying to figure out whether they are or not, so I will continue. Thank you.

CHAIR: Senator Nampijinpa Price, that's exactly the kind of aside undertone talk that makes this hearing very hard to follow for me as chair. So please—

Senator NAMPIJINPA PRICE: I'm just repeating what you said.

CHAIR: put your questions in an orderly way and keep them short. Thank you.

Senator NAMPIJINPA PRICE: Thank you. I will continue on my line of questioning. I'm speaking to the minutes of the meeting held 17 September that have been tabled. Going back to understanding that we're dealing with people for whom, in traditional terms, there's men's business and there's women's business. It's not unusual for men to discuss what they perceive to be men's matters and women to discuss women's matter, is it?

Ms O'Brien: Not at all.

Senator NAMPIJINPA PRICE: I've been in attendance many years ago at a meeting where men decided to take a situation into their own hands and go off and have their own little huddle. So, if that's the case, then why has this been used against Mr Palmer in terms of his own conduct?

Ms O'Brien: The process undertaken by council was that, first of all, a fact-finding exercise was undertaken and then a resolution was passed to set out what facts council had determined occurred on and after 18 July and in media stories thereafter. It was not until after that fact-finding process that council moved to consider whether any of those facts constituted a breach of the code of conduct, meeting rules or the PGPA Act—whether or not proven—and then consequences were dealt with later. I can go to some of the facts that council found as true. Council found that there was nothing in the document that had been prepared by the then chair that was confidential or cultural men's business; all of the matters in that document could have been considered by female delegates as well as male delegates; there was no proper reason for the chair to tell all female delegates to leave; the closed men-only session was not a meeting of the full council, because female delegates had been asked to leave without a proper reason and the men in the session did not know that the closed men-only session would be to discuss the CEO. If men had known that, they would not have supported excluding women.

Senator NAMPIJINPA PRICE: However, the intention of the chair himself was to act within his own understanding of cultural protocol. So you can't actually speak for the intentions of the chair, but you can certainly find after the fact it didn't work in your favour as the Central Land Council. So none of the men actually objected—

CHAIR: Senator Nampijinpa Price, that was an imputation not a question. Please go to your questions in order to remain—

Senator NAMPIJINPA PRICE: This goes to governance and conduct of an organisation.

CHAIR: Making imputations is not within the standing orders. Please put questions without imputation. Thank you.

Senator NAMPIJINPA PRICE: This goes to governance and conduct. Certainly, they have impugned the chair. As we have established, during council meetings private discussions are had. You say minutes were not taken, yet you have a recording of the closed meeting. Is that correct?

Ms O'Brien: That is correct.

Senator NAMPIJINPA PRICE: Who took this recording?

Ms O'Brien: The chair called the closed session and asked all staff to leave but didn't ask for the recording to be turned off. It was left on accidentally and it was accidentally recorded.

Senator NAMPIJINPA PRICE: Well, how convenient—'accidentally'. So the chair thought that there was no recording taking place. Why was he not informed of the fact that there was a recording taking place? Isn't it a breach to make a recording of a person or people without their knowledge if they in fact think that there is no recording taking place?

Ms O'Brien: Senator, thank you for that question. The ordinary process for all council meetings is that they are recorded. That recording is known to council delegates who are in the room. It is only when the recording is specifically turned off that council delegates know that it is turned off, otherwise it is recorded.

Senator NAMPIJINPA PRICE: So this recording doesn't come from somebody's mobile phone?

Ms O'Brien: This recording comes from the recording equipment set up by the Central Land Council, not from somebody's mobile phone.

Senator NAMPIJINPA PRICE: So why wasn't it switched off?

Ms O'Brien: Because staff weren't asked to switch it off. Staff were told to leave the meeting.

Senator NAMPIJINPA PRICE: That's a really good—that's amazing. No. That recording was taken without the chair's knowledge. He didn't think that there was any recording taking place during that closed meeting. There are minutes here, where there is closed meeting—in your own minutes, a closed meeting has taken place and a recording is turned off. You know what the rules are. It goes back to procedural fairness.

CHAIR: Senator Nampijinpa Price, return to a question.

Senator NAMPIJINPA PRICE: I'm speaking specifically to procedural fairness and I will highlight the implications of that. So if it was determined before 17 September that the chair had breached the CLC code of conduct, meeting rules and the PGPA Act, how was this determined and by whom?

Ms O'Brien: It was not determined before 17 September that the chair had breached anything. It may assist if I go through a timeline of events.

Senator NAMPIJINPA PRICE: Please don't, because I would like to table an email—signed by the deputy chair, who is now the current chair, Mr Warren Williams—that Mr Palmer had been found to have, 'breached the Central Land Council's code of conduct meeting rules and other governance rules. This email was sent to Ingkerreke Services Aboriginal Corporation on 9 August. That is well before the meeting of 17 September. In fact, the intention of the letter to Ingkerreke was to have Mr Palmer dismissed from his representative role on the Central Land Council, wasn't it?

CHAIR: Senator Thorpe, stop there—Senator Nampijinpa Price—

Senator THORPE: Get it right. Just because we are two black women doesn't mean we take the same name or are the same mob.

CHAIR: Senator Nampijinpa Price, those at the table have not yet seen the correspondence. I think you have sought to table it; is that correct?

Senator NAMPIJINPA PRICE: Correct.

CHAIR: We need to look at that to work out if it is suitable for tabling. But in the meantime if you want to be able to provide it to witnesses and senators—

Senator SHELDON: Just a point of order, chair?

CHAIR: Yes, Senator Sheldon.

Senator SHELDON: Just as a point of order, this might be of assistance. I know there was a question trying to be answered about the timelines of events, but the witness was shut down. When I have my chance to ask a question, or if there is an opportunity for the witness, if they wish to pursue giving the answer, either to my question or to another subsequent question by Senator Price, then I will be asking for the details rather than just saying, 'I don't want them'. So I want to know exactly what the details of that answer were going to be.

Senator COLBECK: On the point of order, the witness offered to provide some information that wasn't sought by Senator Nampijinpa Price. Senator Nampijinpa Price said she didn't want that information and she wanted to continue with her questions. I think that's completely reasonable.

Senator SHELDON: No. She asked a question and then she effectively said she didn't want the answer—that's what she was getting.

Senator NAMPIJINPA PRICE: Not the timeline of advice. Thank you.

CHAIR: Senators, let's continue.

Senator NAMPIJINPA PRICE: Thank you. Senator Sheldon you can we pursue that question in your line of questioning. But I would like to continue down my line of questioning. As I said, the intention of the letter was to have Mr Palmer dismissed from his representative role on the Central Land Council, wasn't it? Because, evidently, it is stated in the letter, under 'Next Steps': 'Please read all of the attached documents carefully and make up your own minds. It is up to Ingkerreke, Alice Springs outstations to decide whether Mr Palmer's conduct is acceptable for their representative on the Central Land Council.'

CHAIR: Okay. Senator Nampijinpa Price, these are very detailed questions that I suspect may be better put on notice. It is very difficult for me as chair to work out whether they are orderly or not.

Senator NAMPIJINPA PRICE: I'm simply reading from the letter which is from the Central Land Council. They can answer the question because it is right there before them.

CHAIR: Ms O'Brien, was there anything in there that you are able to respond to, please?

Ms O'Brien: Thank you. I'm happy to provide a high-level response and, if further detail is needed, we can take it on notice. So this letter refers to a resolution of the executive committee. A second resolution of the executive committee had also been passed that made it very clear that the Central Land Council's executive committee did not have any power to make any decisions about the conduct of the chair, and that that was a matter for council. That second resolution also referred the matter to council for consideration. But it also, in ensuring the democratic nature of the Central Land Council, referred the matter back to the group of people who had elected the chair. The letter itself makes it very clear that it is Ingkerreke's decision; it is not the Central Land Council's decision.

Senator NAMPIJINPA PRICE: You have obviously read this letter, Ms O'Brien.

Ms O'Brien: Yes.

Senator NAMPIJINPA PRICE: The underlying directive is pretty clear to me. Why would the accusation be made if the determination hadn't been made? Why would that accusation be made if the determination wasn't made until a month later that this was in fact the case?

CHAIR: Senator Nampijinpa Price, I'm confused by that question. Are you saying that it was a predetermined? The way that you have asked that question seems like an internal loop, and I'm not following it. Ms O'Brien, I think you understand what has been put, so—

Ms O'Brien: Thank you. The Central Land Council is an elected council of 90 members. Of that, there is an executive committee of 11 members. That elected committee has some delegated powers to deal with certain matters, and there are other matters over which it has no powers. It comes back to the timeline and I really need to go through this timeline in order to be able to answer the questions.

CHAIR: Thank you, Ms O'Brien, I will ask you to go through that timeline, because I think it will help me follow the evidence before the committee this afternoon.

Senator NAMPIJINPA PRICE: Chair, it is my line of questioning that is being chewed into.

CHAIR: Senator Nampijinpa Price, you have had the call for some time.

Senator NAMPIJINPA PRICE: It's not my fault if you are confused.

CHAIR: Senator Nampijinpa Price, Senator Sheldon has also asked for this information.

Senator NAMPIJINPA PRICE: Well, can we not ask that during your time of questioning? I would like to continue.

CHAIR: Senator Nampijinpa Price, as chair I have a question to put; it is the only one I have asked all day. Senator Nampijinpa Price—

Senator COLBECK: Is it possible to table the timeline so we can all study it?

Senator SHELDON: That's a very good suggestion. I'll ask that question.

Senator NAMPIJINPA PRICE: We can stay here all day if you want.

CHAIR: It is helpful for me to hear the timeline in order to understand the evidence that we have heard today. Ms O'Brien, take us through it briefly, if you are able, and table anything else that's relevant.

Ms O'Brien: Thank you, Chair. On 16 to 18 July this year there was a council meeting at Watarrka. Late in the afternoon of the 18th was the closed meeting that Senator Price has referred to. On 20 to 23 July there were media statements—which had not been authorised by the council but were attributed to the Chair of the Central Land Council—that referred to resolutions and decisions being made in that closed session of council.

In early August Central Land Council's executive committee met and considered the difference between what they had recalled from that closed session and what had been reported in the media. They passed a resolution about their recollections but also recognised that they didn't have any power to deal with the chair's conduct. So they thought it appropriate to refer it to the two bodies who do have the power to decide whether that is appropriate. There was no attempt at foreshadowing that decision. The executive had made a call but recognised it did not have power.

On 9 August there were letters sent not only to Ingkerreke, as the senator has tabled, but also to Mr Palmer himself. That letter was then explained to him, and the executive committee decided to call a council meeting in accordance with the land rights act. That council meeting was scheduled for 28 August. However, before that council meeting was held, we received correspondence from a lawyer for Mr Palmer. That was on 22 August. After that time, legal contact between Mr Palmer and the legal section of the Central Land Council ceased. On 26 August there was a meeting of region 1 delegates, at which the delegates met with Mr Palmer. There may have been some staff support; there was no legal support and no legal representation at that meeting.

On 28 August there was a council meeting in Tennant Creek. Council determined not to make any decisions that day about Mr Palmer's conduct and instead allowed Mr Palmer time to get further legal advice. I presented at that meeting with the consent of Mr Palmer's lawyer. Mr Palmer, as a member of my client, the Central Land Council, was of course entitled to hear all of that information.

At the end of that council meeting, the council delegates decided to call a further meeting in accordance with the land rights act, to be chaired by the deputy chair of the Central Land Council, in order to consider the former chair's conduct. That meeting was the one held on 17 September.

Back to Senator Price's question about this letter on 9 August, Senator Price might choose to read that that is trying to pre-empt an outcome. That was not the intention of executive. Executive simply referred the matter to the group that had elected the delegate, Mr Palmer, who was the chair, to consider whether that was what appropriate conduct for their representative. It's a matter for them, and the letter makes it clear that it's their decision.

Senator NAMPIJINPA PRICE: So the determination was made. How does this then demonstrate any kind of procedural fairness?

Ms O'Brien: I reiterate: Executive is a committee of 11 people. Executive has no power to make decisions in relation to the conduct of the chair or consequences from that. That was referred to council, which is a body of 90 people. Ultimately the attendees at the meeting on the 17th where a decision was made—there were 65 council member, including Mr Palmer himself. Executive is just one small subset of council, and it's council itself that makes that decision.

Senator NAMPIJINPA PRICE: Is it correct to stay that Ms Shaw and Mr Williams led the discussions during the meeting held in Tennant Creek on 17 September?

Ms O'Brien: As deputy chair of the land council at that time, Mr Williams was required by the land rights act to chair and to preside at that meeting. The person presiding at a meeting will always take an active role in that meeting.

Senator NAMPIJINPA PRICE: Ms Shaw takes a pretty significant role.

Ms O'Brien: So do other council members, and I do note that Barbara Shaw was the elected representative for region 1 on the executive committee and therefore speaks not necessarily on behalf of all of those members but is their representative in discussions. This was a matter that particularly affected region 1. Given the matter was discussed by one of the delegates from that region, they felt it particularly.

Senator NAMPIJINPA PRICE: In weaponising the PGPA Act against Mr Palmer, were Mr Williams and Ms Shaw both in breach of section 27 of the PGPA Act? They both sought to gain their positions as chair and deputy chair in leading the charge to have Mr Palmer dismissed. The removal of Mr Palmer works in their favour, doesn't it?

Ms O'Brien: I don't accept the premise of that question—that the PGPA Act was weaponised in any way.

Senator NAMPIJINPA PRICE: Well, it's clearly stated in your minutes—the elements of the PGPA Act that it was determined the former chair had supposedly breached.

Ms O'Brien: That's not weaponising any legislation.

Senator NAMPIJINPA PRICE: But it doesn't present any serious misconduct. Again, the chair's responsibility is to question the entity, but apparently that's not allowed to happen in the Central Land Council, is it?

CHAIR: Senator Nampijinpa Price, that's an imputation as well. Please put your question, and it's your last question. I need to rotate the call. We are now due to break for afternoon tea. I understand that Senator Thorpe still has questions, and I'm keen to see how much longer the coalition has questions for. We will be adjourning in one hour's time, and we have three agencies still to appear.

Senator NAMPIJINPA PRICE: Did the CEO have any contribution to the PGPA Act—the way in which it was used for this particular meeting?

Ms O'Brien: I draw your attention to council resolution CM2024.04.15 that has been tabled. It refers not only to breaches of the PGPA Act but also to the council's code of conduct and the council meeting rules. They're obligations that are imposed on all delegates. The delegates are required to comply with those particular bits of legislation and council governance documents. In relation to the role of the CEO in particular, very early on in this piece, after the media release came out, in late July, the CEO determined that it was not appropriate for him to be involved in this matter, and he was not involved in making decisions about the conduct of these council meetings. He was invited by council to give a personal statement about how these matters had affected him, but he was not involved in the running of the meeting.

Senator NAMPIJINPA PRICE: It's also stated in the letter that Mr Palmer's conduct and that media coverage had caused damage to the CLC and probably defames the CLC CEO. Ultimately, despite the fact that the chairperson was impugned, despite his comments to the media not even mentioning the CEO but his concerns for the people that he represents and the conduct of the land council failing those people, how can you suggest all these other matters? They disregard—

CHAIR: Senator Nampijinpa Price, Senator Thorpe is waiting for the call.

Senator NAMPIJINPA PRICE: Yes. I've got two more questions and then I'm done.

CHAIR: Okay.

Senator NAMPIJINPA PRICE: 'Saying it hurts the CLC's reputation makes it look like there's infighting at the CLC and that the CLC can't do its job. It suggests the CLC is responsible for things that are actually the government's job.'

CHAIR: Senator Nampijinpa Price, this is not time for a parliamentary speech.

Senator NAMPIJINPA PRICE: I'm reading the letter that I've just tabled, Chair and I'm about to get to my question. If you'll allow me, then we can move forward.

CHAIR: Senator Nampijinpa Price.

Senator NAMPIJINPA PRICE: 'Makes it easier for people outside the CLC to attack the CLC, causes confusion for CLC staff and CLC members, probably defames the CLC's CEO and, most importantly, takes the time of CLC members and staff away from working on the important priorities'. But it completely and utterly disregards what the actual chair's intentions were in the first place, doesn't it?

CHAIR: You haven't left time for us to hear an answer to that question before breaking for afternoon tea in any case. I know Senator Thorpe still has questions for the land councils. We'll break for 10 minutes. I'd like to ask the coalition and Senator Thorpe how they wish to divide the remaining 40 minutes of the afternoon, before we adjourn at five o'clock. Thank you.

Proceedings suspended from 16:08 to 16:18

CHAIR: We will reconvene. Before I attribute the call to a senator, Ms O'Brien had some supplementary information to provide the committee on one of her answers to make sure that it is accurate.

Ms O'Brien: Thank you, Chair. I would like to add to two responses I've just given. The first was a response to the suggestion that the process for the meeting on the 17th was manipulated for the benefit of certain people. I'd like to deny that and also refer to the minutes that have been tabled that show the total number of nominations for both the positions of chair and deputy chair. They show how many people stood for election. It could not have been rigged in any way or manipulated.

The second addition I would like to make is in relation to the letter to Ingkerreke. This letter was sent to Ingkerreke. Ingkerreke also responded to say that, while it did not condone any particular behaviour, it did not make a decision to remove Mr Palmer as the delegate for that region and would instead leave the decision for Central Land Council's counsel to determine. So there was no predetermination by the Central Land Council that impacted on Ingkerreke's decision. They freely made their own decision.

CHAIR: Thank you, Ms O'Brien.

Senator THORPE: Just going back to the COVID money that NLC received. I've got some further questions about the information you provided at the last estimates about the COVID stimulus grants. You specifically excluded any information relating to the grants that were provided to Ms Scrymgour and her family. So can I ask—

Ms Schaecken: Excluded?

Senator THORPE: Sorry?

Ms Schaecken: Did you say 'excluded'?

Senator THORPE: Yes. In that pile of paper that my office received, out of all of that there was nothing about the money that went to Ms Scrymgour and her family. Can I ask why that was excluded from the information that was provided? You've have talked about an open and transparent process, yet for some reason Ms Scrymgour and her family's COVID stimulus money wasn't put into that information.

Ms Schaecken: You continue to say this was provided to Ms Scrymgour. That's not correct. The identified four grants have family connections to Ms Scrymgour, and we provided answers as to the four related family connections in our response to a question on notice. I'm not sure what information you are missing.

Senator THORPE: I asked for detail about the stimulus money and where it went. We are just trying to follow the money paper trail because the community is saying to me a house has been bought or a boat has been bought. I'm asking the questions here to make sure that mob know where the stimulus money went. If it did go to someone's house privately and someone's own boat that they are putting on social media with their beers, then I think that shouldn't be happening and the community need to know. So I want detail about the COVID stimulus grants that went to Ms Scrymgour's family.

Ms Schaecken: Our question-on-notice response was that there were four approved grants with family connections to Marion Scrymgour. Marion Scrymgour was not involved in the process of those grants. None of those grants were recommended or approved by Marion Scrymgour. The A Daiyi Aboriginal Corporation received $363,189.25, which was approved by our late chair. The Pandayal community received $281,276.21, approved by Joe Martin-Jard. The Ironstone homeland received $140,414, approved by Joe Martin-Jard. The A'Dalangarr Tjingebi—I apologise for the pronunciation—Aboriginal Corporation grant was approved by Joe Martin-Jard. The dollar figure is missing off the sheet in front of me but was provided in our question-on-notice response.

Senator THORPE: I'm asking for the details. I understand that and I thank you for providing that. However, last November I asked for a detailed breakdown. So where did it go? What is happening with the money just in terms of accountability—

Ms Schaecken: Thank you, Senator—

Senator THORPE: for the whole scheme? I asked for the whole scheme in terms of invoices and receipts. But this—

CHAIR: Senate Thorpe, I think Ms Schaecken is trying to answer your question.

Ms Schaecken: I apologise that that was before my time and I don't have the information in front of me. I do uphold the integrity of transparency and good governance of the Northern Land Council, and if you would like those specifics and they weren't provided to you at that time I am happy to take that on notice and have that information provided to you.

Senator THORPE: That would be great, because there was no detailed information on those grants. I understand it was before your time, but it was excluded or not provided as part of the whole lot of paperwork we did receive. So if you could take that on notice that would be great. Just in relation to the boat purchase, can you tell me which Aboriginal corporation received the boat?

Ms Schaecken: One grant was approved through the NT Indigenous economic stimulus package round 2 for the procurement of a boat to support sea and coastal management and surveillance activities. The grant was awarded to an Aboriginal corporation called A'Dalangarr Tjingebi Aboriginal Corporation. Again, I apologise for the pronunciation. It was not an individual. One of the directors of that Aboriginal corporation is an NLC executive member.

Senator THORPE: So there were two boats. What about the other boat?

Ms Schaecken: The information in front of me says that one grant was approved. If you have further questions I am happy to answer them. Otherwise I may need to defer to my CFO.

Senator THORPE: How many grants, then, in total did Twin Hill Aboriginal Corporation apply for and how many did it receive?

Ms Schaecken: I don't have that information in front of me. I can take that on notice.

Senator THORPE: Thank you. Twin Hill corporation has received an extension from ORIC to submit its 2022 and 2023 financials, which have still not been submitted. This question is probably for ORIC actually. But do you know why those haven't been submitted yet and why they are late?

Ms Schaecken: I can't speak for ORIC or the corporation.

CHAIR: You can put that to ORIC shortly, if we get time.

Senator THORPE: Just in relation to the new CEO, Mr Deen, I will table the document on the new CEO titled 'Financial Management, Ethical Concerns at NSWALC: CEO Travel Expenses Under Scrutiny'. This is the new CEO of the Northern Land Council. There were a number of discrepancies in spending and so forth. Can you confirm whether all NLC executive council members involved in the recruitment of Mr Deen were made aware of the allegations that Senator Price also mentioned?

Ms Schaecken: It is difficult for me to speak on behalf of the executive council members, but to the extent of my knowledge throughout the process with an external recruitment agency engaged to support the executive council member with that process a very thorough national search was undertaken that resulted in the appointment of Mr Deen. As I said, to the extent of my knowledge, they were aware of that.

CHAIR: Thank you, Senator Thorpe.

Senator THORPE: Excuse me. Sorry, I missed that last—

CHAIR: Excuse who, Senator Thorpe? I'm chair.

Senator THORPE: I didn't hear the witness. You started speaking whilst the witness was speaking. So if you could pay attention and wait until the witness finishes then I can hear what the witness is saying. Can I ask the witness please to just repeat that last bit that you interrupted her on.

CHAIR: By all means.

Senator THORPE: Thank you. Sorry about that.

CHAIR: My apologies, Ms Schaecken. I had thought you had finished your answer. Please restate the last part of your answer if are you able.

Ms Schaecken: To the extent of my knowledge the executive were aware and comfortable that what you have tabled here, Senator, are allegations.

Senator THORPE: That's okay. Great.

Senator NAMPIJINPA PRICE: I would like to ask of the Central Land Council if you can please provide on notice the minutes of all Central Land Council meetings from August until now. I have one last question. Who drafted this letter to Ingkerreke or who was involved in the drafting of this letter?

Ms Schaecken: I will have to take that one on notice too.

CHAIR: I want to sincerely thank all of the land councils for your appearance today. I hope your visit to our collective capital has been worthwhile. We would very much would like to thank you for your appearance this afternoon. Thank you.

Office of the Registrar of Indigenous Corporations

[16:30]

CHAIR: Welcome, Ms Stroud. We will go directly to questions if we may. Do you have anything you need to put on record as part of your opening statement?

Ms Stroud: I acknowledge we're on Ngunnawal country. I have provided a statement. I'll leave it with the committee. There are a couple of things that I would point out, because they've been raised previously. Since the last hearing, we have released a new corporate plan. We have now commenced rollout of a new two-day governance training program and returned to offering a Cert IV in Business (Governance). We have launched our new website.

There are two significant points I draw the committee's attention to. One is that, in returning to our minor regulatory prosecution program, we have referred 29 medium-sized and large corporations for prosecution for failing to lodge reports for multiple years. So far there are 18 corporations that have had charges proven and another 10 before court at the moment. The final point is that we have commenced our new form of public reporting, moving away from an annual report to three reports a year. Our first report was released this week.

CHAIR: Thank you, Ms Stroud. I understand Senator Thorpe has put something in writing to you, partially on notice—so some advanced notice. I will let you put that question first, Senator Thorpe, and that way the remaining time can go to the coalition.

Senator THORPE: I tried to do that, but apparently I had to go through the committee to then go there, so it didn't happen. But thank you. Twin Hill Aboriginal Corporation received an extension from ORIC to submit its 2022-23 financials, which have still not been submitted. Can you please provide a reason as to why ORIC granted this extension?

Ms Stroud: Thank you, Senator. My apologies. After hearing the question before, we have just done a quick look. I can take it on notice and provide a fuller briefing. Twin Hill Aboriginal Corporation is a medium-sized tier 2 corporation, which means they're required to provide a general report and a financial report. They have provided their general report for 2022-23. They weren't granted an extension for their financial report. That remains outstanding. We have recently issued a compliance notice on the corporation to remedy some matters, and we're currently working with them, with a focus on getting their financial report for 2022-23 submitted.

Senator THORPE: Okay. That's it.

CHAIR: Senator Nampijinpa Price.

Senator NAMPIJINPA PRICE: My first question you will probably want to take on notice.

Ms Stroud: Again, I apologise, because we did a quick look on the system when I heard Twin Hill mentioned.

CHAIR: No, thank you for assisting the committee.

Ms Stroud: They were granted an extension until the end of February 2023 to lodge their financial report. Once they have lodged their financial report, they will be compliant.

CHAIR: Did you mean 2023, 2024 or this coming February, 2025?

Ms Stroud: For the 2022-23 financial report, they have been granted an extension until 28 February.

CHAIR: So 28 February 2025?

Ms Stroud: Yes. My apologies.

CHAIR: Thank you.

Senator THORPE: Can I ask, then, why that extension was granted? Does it have anything to do with the NACC being involved—anticorruption? This organisation had this COVID stimulus stuff. Now they haven't reported. They get an extension. Is it because there's an investigation going on?

Ms Stroud: Thank you for the question. I'm not aware of an investigation from the NACC. Again, I apologise to the committee. After hearing Twin Hill mentioned before, we were in haste, trying to get into the system and find some information. If you don't mind, I'll take it on notice and provide a full briefing on all our regulatory interaction with Twin Hill. But most definitely I'm not aware of a NACC investigation.

Senator THORPE: Thank you.

Senator NAMPIJINPA PRICE: You may need to take this one on notice: how many directors have been disqualified by ORIC in the past three financial years? Can I have that broken down by year and which organisations they belong to? Can you take that one on notice for me, please?

Since we last discussed the issue of the domestic violence offender sitting on the Tangentyere board, have ORIC undertaken any action relating to that matter and any similar cases?

Ms Stroud: I will take it on notice, but I can confirm that we have not disqualified any directors in the last two financial years. There are currently five disqualified officers on the Register of Disqualified Officers on the ORIC website.

In terms of Tangentyere Aboriginal Corporation or any other corporation, we have not taken any regulatory action that pertains specifically to a director that sits on a board and has a domestic violence charge against them. I just respectfully point out that under the CATSI Act that is not an offence in and of itself. It is where the corporations have additional rules in their rule book that require police checks or other particular characteristics that make someone, a member, eligible to be a director.

Senator NAMPIJINPA PRICE: Okay. You will recall that at the last estimates we had a discussion regarding director IDs. The deadline for all positions to have a director ID was 30 November last year, and in May 35.9 per cent of position had a director ID and 22.5 per cent of all CATSI Act corporations had all directors with director IDs. What are the numbers now?

Ms Stroud: Currently, 38 per cent of director positions have a director ID. Again, I note that director positions take into account that some individuals might have multiple director positions across corporations. However, there are nearly 25 per cent of corporations registered under the CATSI Act where all directors on their board have a director ID. Perhaps it's worth pointing out that there are some variances across the types of corporations—the size and the nature. PBCs appear to be the highest performing, with a director ID compliance rate of almost 60 per cent.

Senator NAMPIJINPA PRICE: We also talked about how ORIC is not aware of how many people there are in those positions. Has there been any action taken since February to remedy that?

Ms Stroud: In terms of correlating individuals to positions?

Senator NAMPIJINPA PRICE: Yes.

Ms Stroud: We are currently building our new client record management system. We expect that system to be built and implemented by about May next year. That will include our internal record-keeping and client information system, as well as our portal that corporations use to lodge documents. With that, and some work with ABRS, we are hoping to get closer to being able to have a better picture of individuals versus positions.

Senator NAMPIJINPA PRICE: So we're looking at a time frame of that being in May 2025?

Ms Stroud: Yes. Apologies, Senator. Our current very dated system does not have the capacity to match individuals to director positions.

Senator NAMPIJINPA PRICE: And you're suggesting that there weren't any enforcement actions that were previously flagged. There have been no enforcement actions taken since—is that correct?

Ms Stroud: Against them not having a director ID?

Senator NAMPIJINPA PRICE: Yes.

Ms Stroud: Yes, no enforcement action has been taken to date.

Senator NAMPIJINPA PRICE: Okay. You haven't been able to really ascertain that position. How do you enforce these measures requiring people to take on a director ID and go through the appropriate steps to do so?

Ms Stroud: We continue to roll out an awareness and education campaign reminding directors. In any of our bulk communications and regular contact with corporations, we remind them of their obligations. We have updated some of our lodgement forms that require corporations to provide director IDs. Unfortunately, what comes to our attention in terms of where there might be a need for consideration of enforcement is usually limited to where there are complaints or where there is already other regulatory action or concerns on foot with the corporation, where we might at the same time uncover issues around director IDs and provide directions to directors about their IDs.

Senator NAMPIJINPA PRICE: Have you received any complaints with regard to that since we last held estimates?

Ms Stroud: I would have to take it on notice. Off the top of my head, we've received one complaint from an anonymous member of a corporation about a director of their corporation not having a director ID.

Senator NAMPIJINPA PRICE: Have there been any complaints made to ORIC about the activities of the Wiradyuri Traditional Owners Central West Aboriginal Corporation?

Ms Stroud: The matter came to our attention through media inquiries. The corporation is a medium-sized corporation and is compliant with its CATSI Act obligations. It is not a corporation that has been subject to complaints. The complaints in the media go to the role of the corporation, which we have no regulatory powers to regulate, in terms of them providing advice.

Senator NAMPIJINPA PRICE: Okay. I'm going to put all other questions on notice in the interests of time.

Senator LIDDLE: You talked about taking action in relation to non-reporting. What about in terms of breaches of the CATSI Act?

Ms Stroud: In terms of prosecutions?

Senator LIDDLE: Yes.

Ms Stroud: Investigations and prosecutions?

Senator LIDDLE: Yes. How many have you done in the last 12 months?

Ms Stroud: I would have to defer to Mr Huey. In addition to the 29 referred for failure to lodge reports, there has been one corporation that was referred for prosecution and was prosecuted and had charges proven for failing to hold an AGM.

Senator LIDDLE: You mentioned people making complaints. Can you actually act just on examples which would suggest that there are serious governance issues within an organisation regardless of its size? Can you, as a regulator, say, 'You know what; it doesn't look right that there were three directors on a board and those same three directors are also the members'? It doesn't look right. It doesn't pass any pub test for governance. We're talking about taxpayers' money here. I don't care if they're a private operator; we're talking about government money. Surely you can act if you know of those things. No?

Ms Stroud: There are a number of breaches of the CATSI Act that we deal with in multiple ways. That can be through the issuing of a compliance notice, the issuing of a request for documentation, or the conduct of an examination. Where there are serious or systemic breaches of the CATSI Act that can come out of an examination or through referral of allegations, we can conduct an investigation. For corporations such as those that have minimum numbers, that in itself is not a breach of the CATSI Act if the corporation has been granted an exemption from ORIC to have fewer than five members.

Senator LIDDLE: We were talking this morning about two organisations. The government has said that 4531 and 447 notices are about general random assessments, but, in fact, they can also be on the basis of complaints received. My question to you is: have you received any complaints about KWY and Yadu Health? It's just a yes or no for both of those, because that's not my real question.

Ms Stroud: Not for KWY—that was a rolling examination purely based on the fact that they had never been examined before and they had gone from a medium to a large corporation. Yadu was a targeted examination, which—again, I have to be really clear—is still not an investigation. It is an examination of the books of the corporation to see that they are complying with the CATSI Act, and that examination came about from the referral of some matters from a funding body.

Senator LIDDLE: So if you have an organisation where not only is there enough evidence, when you just do a simple Google search of these organisations, that there are questions to be asked, what about in the case of, say, Yadu Health, where we've seen millions of dollars given to that organisation by the government very recently? Yet they've also got reports—very recent, this year—that relate to a different regulator under the aged care standards where they've raised issues. Whose responsibility is it to act? Can you act on that when those things are raised, or is it the responsibility of the government and their bureaucrats to make sure, when they know those reports and those things exist because they've been examined in an audit process? Whose responsibility is it to act? Is it yours?

Ms Stroud: It's a shared responsibility. We rely on funding bodies, members and the public to alert us to concerns in a corporation and suspected governance failings. We also rely on funders, whether they're government or otherwise, to do their due diligence and make their own independent decisions of corporations. We also rely on referrals from other regulatory entities so that we can make a decision as to whether the matters identified are actually offences under the CATSI Act and matters that we would examine, investigate or take regulatory action on.

Senator LIDDLE: What I'm trying to understand here is why there are reports that are done, comprehensive reports that the government no doubt has access to—because you only have to do a Google search—and there are questions that are raised in the media about these organisations and yet nobody seems to want to take responsibility for doing anything about asking those tough questions about how we improve these organisations so that we actually improve outcomes for Aboriginal and Torres Strait Islander people. If we were serious about closing the gap we would be closing the gulf in the governance of those organisations that actually have the task of closing the gap. I'm not talking about training. I'm talking about serious activity that is structured in a way that creates deception around governance and makes sure that control is vested in a very small group to allow that to continue unabated.

Ms Stroud: I'm not sure I understand the question fully. Our powers are restricted to offences that are within the CATSI Act. So a corporation can be completely compliant under the CATSI Act, completely compliant with its rule book, but that doesn't mean that its service provision or its benefits to its clients are perfect. That's a matter for funding bodies, those that fund the services, to hold the corporation to account and make their own funding decisions about the quality of service that is being provided.

Senator LIDDLE: What I'm hearing is it's not acceptable to say the regulator has done their bit. There's actually a responsibility not just for the people who are funding but for governments, people who hold the purse strings. That's where the responsibility sits.

CHAIR: Thank you, Senator Liddle. We'd like to thank ORIC for your evidence today and for appearing at Senate estimates.

Aboriginal Hostels Limited
Aboriginal Investment NT

[16:50]

CHAIR: I welcome both Mr David Chalmers of Aboriginal Hostels Limited and Mr Andrew Werro of Aboriginal Investment NT to the committee. Thank you for indulging us by coming to the table together. I understand you have tabled opening statements—there is one opening statement. Are both agencies okay if I don't invite you for an opportunity to put one on the record verbally at this late hour?

Mr Chalmers: That's fine.

CHAIR: Thank you. I will go straight to questions then. Senator Nampijinpa Price.

Senator NAMPIJINPA PRICE: We'll go to the Northern Territory Aboriginal—well, you're now called the Aboriginal Investment Northern Territory. Is that correct?

Mr Werro: Aboriginal Investment NT.

Senator NAMPIJINPA PRICE: Did you submit your strategic plan by 21 August?

Mr Wyborn: Yes, we have.

Senator NAMPIJINPA PRICE: Great. And you have subsequently rebranded. Why was there a rebranding?

Mr Wyborn: With our previous title, it was often seen as cumbersome in the way it was structured, and we found that Aboriginal Investment NT was one that was a lot more palatable for us to utilise.

Senator NAMPIJINPA PRICE: Was there a cost to that rebranding?

Mr Wyborn: I will need to take that one on notice.

Mr Werro: There would have been. We'll take it on notice.

Senator NAMPIJINPA PRICE: Thank you. A week after the organisation officially launched its half-a-billion-dollar grant program the previous CEO, Elly Patira, resigned after being in the role for 16 months. What were the reasons given for her resignation after being there for what appeared to be such a short time?

Ms Cardona: Joy Cardona, traditional owner, Daly River/Malak Malak, Uwadja through my mother. I'm nominated by the Northern Land Council to represent the seven regions of the land council. We were told that Elly's mum was sick, and she needed to give up her post in Darwin. That was a personal reason, and we had to accept it.

Senator NAMPIJINPA PRICE: Mr Wyborn, you're currently the acting CEO?

Mr Wyborn: I am, along with Andrew Werro, as chief operating officer.

Senator NAMPIJINPA PRICE: So you're obviously looking for a replacement, a permanent CEO. How long do you envision that will take? Are you currently seeking—

Mr Werro: The CEO selection process is almost complete. The actual preferred candidate is with the minister for approval, and we would expect that to be done—I can't speak for the minister, but actually the selection process is finished, and we are waiting on the minister to approve that.

Senator NAMPIJINPA PRICE: Minister, how long do you think that process will take for that approval to take place?

Senator McCarthy: It's very imminent.

Senator NAMPIJINPA PRICE: Very imminent—okay. What has the staff turnover been in the last 12 months?

Mr Werro: I probably haven't got the numbers for the 12 months, but I can give you the numbers since June if that would help. But if you would like me to give you the last year I can take that on notice and provide that.

Senator NAMPIJINPA PRICE: If you've got some figures now—but otherwise I'm happy for you to take the final figures on notice.

Mr Werro: Sure. At June we had 27 staff. We've nine resignations, people who wanted to move on. We've added five and we have eight people in the pipeline coming on board, including the COO for me and the replacement for me, the CEO replacement. We have five grants roles in the pipeline at the moment. That will take us up to 31.

Senator NAMPIJINPA PRICE: Were there any exit interviews conducted with the outgoing staff?

Mr Werro: Yes, some of them.

Senator NAMPIJINPA PRICE: And what were their views on the organisation?

Mr Werro: I will need to take that one on notice. I don't have their views. I didn't do the interviews, so I don't know.

Senator NAMPIJINPA PRICE: Did the organisation at any time employ Liam Patira, a nephew of the former CEO?

Mr Werro: Yes, they did.

Senator NAMPIJINPA PRICE: What position was he employed in, and what was his prior relevant experience for that position?

Mr Werro: He came into the organisation as a grants officer. For that recruitment, the previous CEO, because she had a personal relationship, recused herself from the recruitment in accordance with our conflicts-of-interest policy. For the role he applied for, there were two jobs in that team to actually do our grants process for the new grants we were putting up. We had two applicants out of two jobs. We offered both jobs to both candidates, one of which was Liam. The other person pulled out; they found something else they would rather do. I actually reviewed all of the papers, and I signed that recruitment off as an appropriate recruitment.

Senator NAMPIJINPA PRICE: What was Liam's prior, relevant experience? My understanding is he was a pool maintenance person prior to coming to the job.

Mr Werro: The grants role doesn't actually require a lot of qualifications. They require you to be able to follow a process. He had certain experience, I think, from pool centres and places where you have to follow a process, but I can give you—that's as much as I know. I would have to take any further on notice.

Senator NAMPIJINPA PRICE: Did the organisation employ any other of the former CEO's friends or family?

Mr Werro: Not that I'm aware of, not family. That's for sure.

Senator NAMPIJINPA PRICE: Just to confirm, there were arrangements in place to deal with a potential conflict of interest?

Mr Werro: Yes, indeed. That's true.

Senator NAMPIJINPA PRICE: Can I have on notice all of the organisation's contracts and invoices with external suppliers and contractors for the past 12 months, please.

Mr Werro: Yes, certainly.

Senator NAMPIJINPA PRICE: That's all from me.

Senator LIDDLE: I have got another couple of questions; I will be very quick. Under the better, safer Central Australia plan you received $3.5 million to construct up to 20 short-term beds. That was in January 2024. How many beds do you have available right now?

Mr Chalmers: We have five hostels in Alice Springs. The 20 additional beds are being built in the Alice Springs visitor centre. The visitor centre has 84 beds currently, and we'll expand to 104 beds.

Senator LIDDLE: The question was: how many beds are available right now? You got the funding in January. How many are available right now under that program?

Mr Chalmers: The funding was to add 20 additional beds.

Senator LIDDLE: So have you added 20 additional beds?

Mr Chalmers: No, the construction hasn't started yet and will be complete by next year.

Senator LIDDLE: So zero.

Mr Chalmers: That's correct.

Senator LIDDLE: Right. Do you intend to give up beds for visitors in order to add extra beds to your accommodation offering? This says 20, but you're not a shelter. But is there an intention to do more in this space?

Mr Chalmers: I'm not sure I understand the question—in the domestic violence space?

Senator LIDDLE: Yes.

Mr Chalmers: We're not a specialist provider of those sorts of services. We do have people who are escaping domestic violence stay with us, and these beds are to expand the capacity for people to do it. But there are services like WoSSCA which specialise in looking after domestic violence victims, and we work with them.

Senator LIDDLE: In terms of those rooms that you're planning to build—you've got zero now—are you planning to make them so that people who have got children actually have a space and it's just not 20 beds for 20 people? Are there places for children as part of that build?

Mr Chalmers: Yes, there are. The construction will be two two-bed rooms and four four-bed rooms so that those four-bed rooms are family rooms designed for children as well.

Senator LIDDLE: What security upgrades do you have to do? Have you allocated security upgrades, given you're taking people in who have got an immediate family violence or domestic violence history?

Mr Chalmers: Generally speaking, all of our hostels look to provide a safe space. We don't allow visitors. The access is by a card that our residents have so that they can access but other people can't. We have night attendants and CCTV to provide security. As far as I'm aware there's no additional security planned for the visitor centre, but I will pass to Mr Walsh.

Senator LIDDLE: If you can provide that on notice.

Mr Chalmers: Sure.

CHAIR: We are shortly about to suspend, Senator Liddle.

Senator LIDDLE: This is my last question. Somebody coming in for domestic and family violence doesn't necessarily know who's already in your facility. So potentially, by people going to your facility, you've got people who have just experienced trauma being introduced to other trauma, because you don't know the relationship between people who are already in those hostels. What I'm asking is: what will change to ensure that people who are escaping violence are not inadvertently exposed to more risks because you are a mixed-use facility?

Mr Chalmers: Well, I would answer that by saying we will work closely with service providers in Alice Springs in that regard. We will have people referred to us; we won't be taking people directly. We are humble accommodation providers: we provide a bed and three meals. We are not funded to provide wraparound services,

so we need to work closely with the people who are specialists to make sure that we offer our residents that additional level of security.

Senator LIDDLE: Thank you. Just for the record, I was once on the board of AHL.

CHAIR: Thank you for that disclosure, Senator Liddle. It being five o'clock or a little after, I want to thank everyone for their participation in our cross-portfolio Indigenous Affairs Senate estimates for the Finance and Public Administration Committee. Thank you to everybody who has given evidence from all around the country. Thank you to those who are unable to give evidence today and nevertheless travelled to be with us. And I would like to thank Hansard, broadcasting, the secretariat, the minister and her staff, my colleagues and our staff and all the Senate attendants. Thank you very much. And have a good weekend.

Committee adjourned at 17:02